

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 770 (Chairman, Economic and Environmental Affairs Committee)
(Departmental – Natural Resources)

Economic and Environmental Affairs

Environmental Matters

Personal Flotation Devices - Mandatory Wear

This departmental bill prohibits a person from operating or permitting the operation of a “vessel” under 21 feet in length if a child under age seven is aboard, unless the child is wearing a personal flotation device (PFD) which is securely and properly attached to the child. Vessel means a vessel used for recreational purposes or a vessel leased, rented, or chartered for noncommercial use. The term does not include a vessel carrying passengers for hire under the command of an individual licensed by the U.S. Coast Guard to carry passengers for hire, or a vessel displaying a valid seafood harvester’s license number while engaged in the harvesting of seafood for sale. The prohibition does not apply to a vessel that is moored or anchored or to a child who is below deck or in an enclosed cabin.

The bill takes effect June 1, 2001.

Fiscal Summary

State Effect: Because the Department of Natural Resources (DNR) already monitors whether or not vessels have PFDs on board, enforcement costs would not increase.

Local Effect: None.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Current regulations require recreational vessels to carry one PFD of proper size and in good and serviceable condition for each person aboard. The PFDs must be readily accessible, but are not required to be worn.

Background: Several organizations, including the American Medical Association, the National Marine Manufacturers Association, and the National Transportation Safety Board, endorse the mandatory use of a life jacket by children 12 years of age and under. According to DNR, 36 states have enacted mandatory PFD use laws for children. Twenty-four of these state laws apply to children 12 and under.

Additional Information

Prior Introductions: Similar legislation was introduced during the 1998 session as HB 557. The bill passed with amendments on second reading in the House but was recommitted to the House Environmental Matters Committee. No further action was taken.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader – February 20, 2001
ef/jr

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