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By: Delegates W. Baker, C. Davis, Eckardt, Cane, Crouse, McClenahan,

Schisler, Conway, Bozman, Conroy, and Ports

Introduced and read first time: February 8, 2002

Assigned to: Ways and Means and Environmental Matters

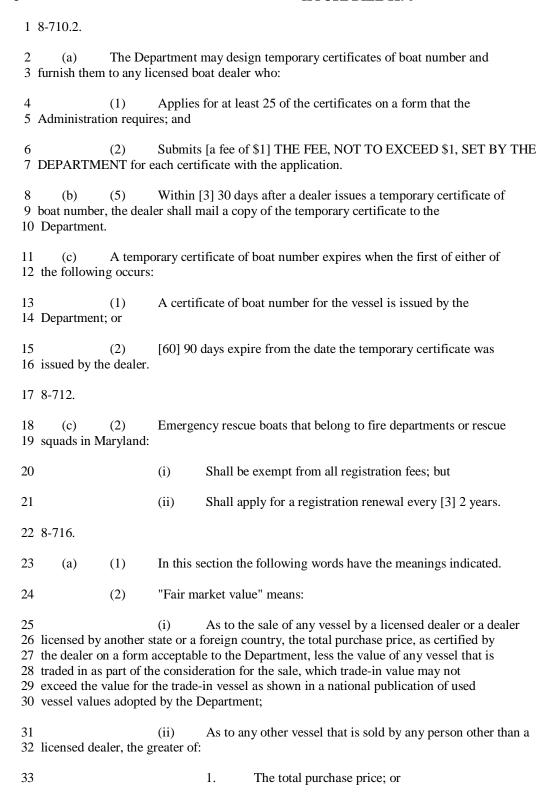
A BILL ENTITLED

1 AN ACT concerning

2 Natural Resources - State Boat Act

- 3 FOR the purpose of authorizing the Department of Natural Resources to use certain
- 4 money to recover certain interest and penalties; authorizing the Department to
- 5 establish a certain fee, not to exceed a certain amount, that the Department may
- 6 charge for certain temporary certificates; extending the time period within
- which a licensed boat dealer shall send the Department a certain certificate;
- 8 extending the expiration date for certain certificates; reducing the period of time
- 9 within which certain emergency rescue boats must apply for a registration
- renewal; exempting the possession of certain vessels within the State for a
- certain time period from the requirement to pay a certain tax; requiring a
- certain applicant to include, as part of the application, certain vessel identifying
- materials; defining certain terms; and generally relating to the State Boat Act.
- 14 BY renumbering
- 15 Article Natural Resources
- Section 8-701(g) through (s), respectively
- to be Section 8-701(h) through (t), respectively
- 18 Annotated Code of Maryland
- 19 (2000 Replacement Volume and 2001 Supplement)
- 20 BY adding to
- 21 Article Natural Resources
- 22 Section 8-701(g) and 8-716(k)
- 23 Annotated Code of Maryland
- 24 (2000 Replacement Volume and 2001 Supplement)
- 25 BY repealing and reenacting, with amendments,
- 26 Article Natural Resources
- 27 Section 8-701(c), 8-710.1(a), 8-710.2(a), (b)(5), and (c), 8-712(c)(2), 8-716(a)
- 28 and (e), and 8-722(c)(3)
- 29 Annotated Code of Maryland

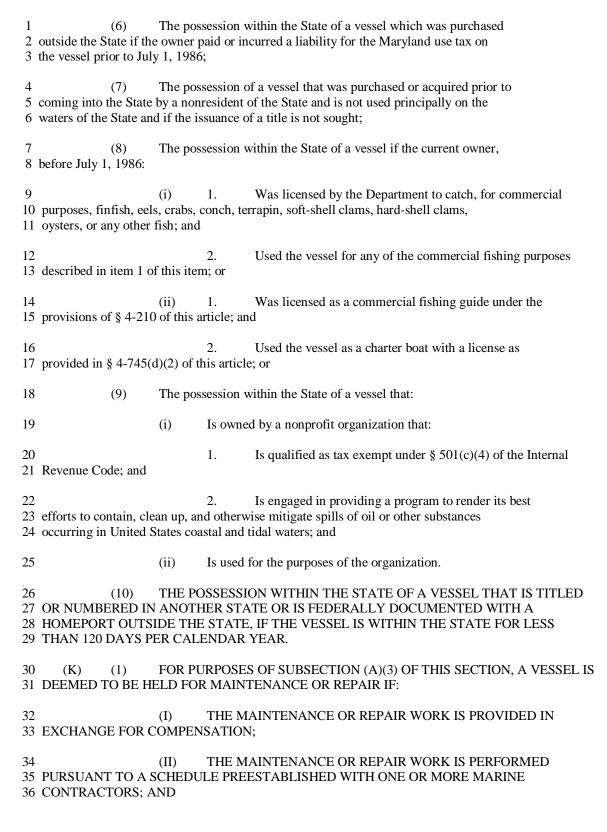
- 1 (2000 Replacement Volume and 2001 Supplement) 2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 3 MARYLAND, That Section(s) 8-701(g) through (s), respectively, of Article - Natural 4 Resources of the Annotated Code of Maryland be renumbered to be Section(s) 5 8-701(h) through (t), respectively. 6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland 7 read as follows: 8 **Article - Natural Resources** 9 8-701. 10 (c) (1) "Dealer" means any person who: 11 (i) Engages in whole or in part in the business of buying, selling, or 12 exchanging new and unused vessels or used vessels, or both, either outright or on 13 conditional sale, bailment, lease, chattel mortgage, or otherwise; and 14 Has an established place of business for sale, trade, and display (ii) 15 of vessels. "Dealer" includes: 16 (2)17 (I) [a] A yacht broker; AND 18 A HOLDER OF A LIEN CREATED UNDER TITLE 16, SUBTITLE 2 OF 19 THE COMMERCIAL LAW ARTICLE WHO SELLS THE VESSEL PURSUANT TO THAT TITLE, 20 INCLUDING AN AUCTIONEER AND A COMPANY COMMONLY KNOWN AS A LIEN AND 21 RECOVERY COMPANY. 22 "MARINE REPAIR CONTRACTOR" MEANS A PERSON OR ENTITY ENGAGED 23 FULL TIME IN THE BUSINESS OF PROVIDING MAINTENANCE, REPAIR, OR SIMILAR 24 SERVICES TO VESSELS. 25 8-710.1. Prior to the issuance of a boat dealer's or manufacturer's license, each 26 (a) 27 applicant shall file with the Department acceptable evidence of a bond or other 28 security deemed sufficient and adequate by the Department for the payment of fees 29 and taxes the applicant receives based upon the applicant's volume of sales and the 30 class of boat dealer's or manufacturer's license which the applicant has requested. 31 The bond shall be for the use and benefit of the Department and any member of the 32 public who suffers or sustains any loss by reason of any violation of this subtitle by
- 33 the licensee, the licensee's agent, or the licensee's employee. THE DEPARTMENT MAY
- 34 ALSO USE THE BOND TO RECOVER ANY PENALTY AND INTEREST CHARGED TO THE
- 35 LICENSEE BASED ON A FAILURE TO PAY THE FEES OR TAXES RECEIVED BY THE
- 36 APPLICANT.



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1			2.	\$100; or
2 3	licensed dealer, either	(iii) :	As to an	y other vessel that is sold by any person other than a
	bill of sale approved bis stated; or	y the De	1. partment	The total purchase price, if verified by means of a certified in which the actual price paid for the vessel
	vessel values adopted the application.	by the D	2. epartmen	The valuation shown in a national publication of used t if a certified bill of sale does not accompany
12	the vessel is used or u	ed in § 8- ised most	-701(o) o t, a vessel	in this State" means that this State is the state of f this subtitle, except that in calculating where is not considered to be in use for any period r repair for 30 consecutive days or more.
	TO EXCEED 1 DAY	, COND	UCTED I	EANS A PERIOD OF UNDERWATER OPERATIONS, NOT FOR THE PURPOSE OF TESTING THE EFFECTIVENESS ENANCE PROCEDURES.
19		ased mot er and sel	ors, spars	orice" means the price of a vessel, including s, sails, and accessories exclusive of trailer, no deduction for trade-in or other
21 22	[(5)] subtitle.	(6)	(i)	"Vessel" has the meaning indicated in § 8-701(r) of this
23 24	only by sail, or vessel	(ii) manuall		does not include a ship's lifeboat, a vessel propelled ed.
25 26	(e) A person section resulting from		equired to	pay the tax provided for in subsection (c) of this
27 28	(1) by Department regula		er betwee	on members of the immediate family as determined
29 30	(2) RESALE purposes;	A transf	er to a lic	ensed dealer of a vessel for [resale, rental, or lease]
31	(3)	Purchase	e of a ves	sel by the State or any political subdivision;
32 33	(4) Secretary has approve		e of a ves	sel by an eleemosynary organization which the
	(5) incurred a liability for 1986;	-		hin the State of a vessel if the owner paid or es and use tax on the vessel prior to July 1,

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	AT LEAST TWO TII STORING THE VES		THE TOTAL COST OF THE MAINTENANCE OR REPAIR WORK IS E REASONABLE CURRENT MARKET COST OF DOCKING OR
		E PERIC	PENT CONDUCTING SEA TRIALS SHALL BE INCLUDED WHEN DO OF TIME A VESSEL IS HELD FOR MAINTENANCE OR ON (A)(3) OF THIS SECTION.
7	8-722.		
	(c) (3) Department for title to approves accompanie	o the vess	nd of the 30-day period the person shall apply to the sel in the person's name on forms the Department following affidavits:
11 12	§ 8-721 of this subtit	(i) le;	A statement that the vessel is an abandoned vessel as defined in
	application or a detai		Proof the registered letter was mailed at least 30 days before nation of the unsuccessful steps taken to identify the e the owner's or lienholder's address; [and]
16 17	paragraph (2) of this	(iii) subsectio	Proof a notice was printed in a newspaper as required in on;
18		(IV)	A CLEAR AND ACCURATE PHOTOGRAPH OF THE VESSEL; AND
19 20	NUMBER.	(V)	A TRACING OR CERTIFICATION OF THE HULL IDENTIFICATION
21 22	SECTION 3. AN October 1, 2002.	ID BE IT	FURTHER ENACTED, That this Act shall take effect