

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 429

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “vessels;” insert “authorizing, for a certain time, the inclusion of certain additional safety precautions on certain personal flotation devices;”; in the same line, after “that” insert “, as of a certain date.”; in line 6, after “of” insert “a”; in line 7, strike “terms” and substitute “term”; in the same line, after “corrections;” insert “requiring the Department of Natural Resources to report to certain persons by a certain date regarding certain aspects of boating safety; providing for the termination of certain provisions of this Act; providing for the effective dates of this Act;”; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 8-743

Annotated Code of Maryland

(2000 Replacement Volume and 2003 Supplement)

(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 1, in line 24, strike “OR”; and in the same line, in each instance, strike the bracket.

On page 2, in line 14, strike “SHALL” and substitute “MAY”; after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Natural Resources

8-743.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Child” means an individual who:
- (i) Is under the age of 7 years, regardless of the individual’s weight; or
 - (ii) Weighs 50 pounds or less, regardless of the individual’s age.
- (3) “Personal flotation device” means a Type I, II, III, or V U.S. Coast Guard approved personal flotation device that is:
- (i) The proper size for the child; and
 - (ii) In good and serviceable condition.
- (4) (i) “Vessel” means:
- 1. A vessel used for recreational purposes; or
 - 2. A vessel leased, rented, or chartered for noncommercial use.
- (ii) “Vessel” 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.
- (b) (1) A person may not operate or permit the operation of a vessel under 21 feet in length while there is present in the vessel a child not wearing a personal flotation device which is securely and properly attached to the child.
- (2) If the child is under the age of 4 years, the personal flotation device [may] SHALL feature additional safety precautions, as appropriate for an infant, toddler, or young child, so as to:
- (i) Hold the child securely within the personal floatation device, including a strap that is secured between the child’s legs to fasten together the front and back of the personal floatation device;
 - (ii) Maintain the buoyancy of the child, including an inflatable headrest or high collar; or

(iii) Ensure the ready accessibility of the child from the vessel, including a web handle.

(c) Subsection (b) does not apply to:

(1) A vessel that is moored or anchored; or

(2) A child who is below deck or in an enclosed cabin.

SECTION 3. AND BE IT FURTHER ENACTED, That, by September 30, 2005, and in accordance with § 2-1246 of the State Government Article, the Department of Natural Resources shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee regarding:

(1) the Department's outreach efforts to educate the general public regarding the importance of the additional safety precautions under this Act;

(2) the market availability of personal floatation devices that are manufactured for the particular needs of infants, toddlers, and young children;

(3) enforcement efforts planned by the Natural Resources Police Force; and

(4) any other information or recommendations relevant to enhanced boating safety for infants, toddlers, and young children.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect April 1, 2006.”;

in line 27, strike “2.” and substitute “5.”; in the same line, after “That” insert “, except as provided in Section 4 of this Act.”; and in line 28, after the period insert “Section 3 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of March 31, 2006, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further

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force and effect.”.