

SENATE BILL 61

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2004 Regular Session  
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(PRE-FILED)

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By: **Chairman, Education, Health, and Environmental Affairs Committee**  
**(By Request - Departmental - Natural Resources)**

Requested: November 3, 2003

Introduced and read first time: January 14, 2004

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 30, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of requiring the Department of Natural Resources to adopt  
4 regulations relating to the operation of vessels so that each vessel of a type or  
5 size may be operated with equal freedom or under similar circumstances as  
6 other vessels of that type or size; and generally relating to the adoption of  
7 regulations relating to the operation of vessels.

8 BY repealing and reenacting, with amendments,  
9 Article - Natural Resources  
10 Section 8-704  
11 Annotated Code of Maryland  
12 (2000 Replacement Volume and 2003 Supplement)

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

15 **Article - Natural Resources**

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

1 of buoys, mooring buoys, and other apparatus used to secure, berth, or moor vessels in  
2 the waters of the State. The Department shall consult with any county affected by the  
3 program.

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

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

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

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

15 (4) Abandonment, destruction, theft, recovery, sale, or transfer of  
16 ownership;

17 (5) Change of address of owner;

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

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

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

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

25 (b-2) (1) The Department shall adopt regulations prohibiting the operation of  
26 personal watercraft above idle speed in any area of water with a depth of less than 18  
27 inches.

28 (2) Except as provided in paragraph (1) of this subsection, the  
29 Department may adopt regulations limiting the use of personal watercraft in any  
30 area of water with a depth of less than 1 meter.

31 (c) Department regulations do not become effective unless advertised publicly  
32 in at least 2 daily newspapers of general circulation and at least 1 weekly newspaper  
33 serving the area or areas involved at least 45 days before the effective date. If 50  
34 citizens of the State file a petition with the Department at least 15 days prior to the  
35 effective date, the Department shall conduct a public hearing on the proposed  
36 regulations.

1 (d) A municipality or other local authority may not establish any regulation of  
2 a local nature which does not conform with the Department's regulations.

3 (e) On any proposed regulation affecting the equipment or operation of any  
4 vessel subject to this subtitle, the Secretary shall solicit the advice and opinions of  
5 officials of representative boating associations, yacht clubs, and local, State, or federal  
6 governments or officials, having knowledge or experience with the subject matter of  
7 the proposed regulations. These representatives and officials serve as an advisory  
8 committee appointed by the Secretary to review the proposed regulations.

9 (f) The Department, with the endorsement of the Secretary of Natural  
10 Resources and the Secretary of the Environment, after a public hearing following 60  
11 days' notice, shall adopt and publish sound level limits governing the noise generated  
12 by the operation of pleasure craft on the waters of the State. The sound level limits  
13 shall be established at the most restrictive level consistent with the environmental  
14 noise standards adopted by the Department of the Environment which is achievable  
15 through the application of the best available technology and at a reasonable cost. The  
16 Department shall adopt regulations for the administration and enforcement of the  
17 sound level limits, taking into account accepted scientific and professional methods  
18 for measurement of sound levels.

19 (g) The Department shall adopt regulations to prohibit a person from:

20 (1) Operating an unauthorized vessel over a power boat race course; or

21 (2) Swimming across a boundary of a power boat race course.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 2004.