
By: **Senator Conway**
Introduced and read first time: February 5, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 2004

CHAPTER _____

1 AN ACT concerning

2 **Recreational Vessels - Personal Flotation Devices for Children - Additional**
3 **Requirements**

4 FOR the purpose of requiring that certain children wear certain personal flotation
5 devices on recreational vessels; authorizing, for a certain time, the inclusion of
6 certain additional safety precautions on certain personal flotation devices;
7 requiring that, as of a certain date, certain personal flotation devices feature
8 certain additional safety precautions; altering the definitions of a certain ~~terms~~
9 term; making certain technical corrections; requiring the Department of Natural
10 Resources to report to certain persons by a certain date regarding certain
11 aspects of boating safety; providing for the termination of certain provisions of
12 this Act; providing for the effective dates of this Act; and generally relating to
13 certain additional requirements regarding personal flotation devices for
14 children.

15 BY repealing and reenacting, with amendments,
16 Article - Natural Resources
17 Section 8-743
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Natural Resources
22 Section 8-743
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)

1 (As enacted by Section 1 of this Act)

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

4 **Article - Natural Resources**

5 8-743.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) "Child" means an individual WHO:

8 (I) IS under the age of 7 years, REGARDLESS OF THE INDIVIDUAL'S
9 WEIGHT; OR

10 (II) WEIGHS 50 POUNDS OR LESS, REGARDLESS OF THE
11 INDIVIDUAL'S AGE.

12 (3) "Personal flotation device" means a Type I, II, ~~OR III~~, or V¹ U.S.
13 Coast Guard approved personal flotation device that is:

14 (i) The proper size for the child; and

15 (ii) In good and serviceable condition.

16 (4) (I) "Vessel" means:

17 [(i)] 1. A vessel used for recreational purposes; or

18 [(ii)] 2. A vessel leased, rented, or chartered for noncommercial
19 use.

20 [(5)] (II) "Vessel" does not include a vessel carrying passengers for hire
21 under the command of an individual licensed by the U.S. Coast Guard to carry
22 passengers for hire, or a vessel displaying a valid seafood harvester's license number
23 while engaged in the harvesting of seafood for sale.

24 (b) (1) A person may not operate or permit the operation of a vessel under 21
25 feet in length while there is present in the vessel a child not wearing a personal
26 flotation device which is securely and properly attached to the child.

27 (2) IF THE CHILD IS UNDER THE AGE OF 4 YEARS, THE PERSONAL
28 FLOTATION DEVICE ~~SHALL~~ MAY FEATURE ADDITIONAL SAFETY PRECAUTIONS, AS
29 APPROPRIATE FOR AN INFANT, TODDLER, OR YOUNG CHILD, SO AS TO:

30 (I) HOLD THE CHILD SECURELY WITHIN THE PERSONAL
31 FLOTATION DEVICE, INCLUDING A STRAP THAT IS SECURED BETWEEN THE CHILD'S
32 LEGS TO FASTEN TOGETHER THE FRONT AND BACK OF THE PERSONAL FLOTATION
33 DEVICE;

1 (II) MAINTAIN THE BUOYANCY OF THE CHILD, INCLUDING AN
2 INFLATABLE HEADREST OR HIGH COLLAR; OR

3 (III) ENSURE THE READY ACCESSIBILITY OF THE CHILD FROM THE
4 VESSEL, INCLUDING A WEB HANDLE.

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

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

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

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

10 Article - Natural Resources

11 8-743.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) "Child" means an individual who:

14 (i) Is under the age of 7 years, regardless of the individual's
15 weight; or

16 (ii) Weighs 50 pounds or less, regardless of the individual's age.

17 (3) "Personal flotation device" means a Type I, II, III, or V U.S. Coast
18 Guard approved personal flotation device that is:

19 (i) The proper size for the child; and

20 (ii) In good and serviceable condition.

21 (4) (i) "Vessel" means:

22 1. A vessel used for recreational purposes; or

23 2. A vessel leased, rented, or chartered for noncommercial
24 use.

25 (ii) "Vessel" does not include a vessel carrying passengers for hire
26 under the command of an individual licensed by the U.S. Coast Guard to carry
27 passengers for hire, or a vessel displaying a valid seafood harvester's license number
28 while engaged in the harvesting of seafood for sale.

29 (b) (1) A person may not operate or permit the operation of a vessel under 21
30 feet in length while there is present in the vessel a child not wearing a personal
31 flotation device which is securely and properly attached to the child.

1 (2) If the child is under the age of 4 years, the personal flotation device
2 [may] SHALL feature additional safety precautions, as appropriate for an infant,
3 toddler, or young child, so as to:

4 (i) Hold the child securely within the personal flotation device,
5 including a strap that is secured between the child's legs to fasten together the front
6 and back of the personal flotation device;

7 (ii) Maintain the buoyancy of the child, including an inflatable
8 headrest or high collar; or

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

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

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

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

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

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

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

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

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

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

28 ~~SECTION 5.~~ AND BE IT FURTHER ENACTED, That, except as provided in
29 Section 4 of this Act, this Act shall take effect October 1, 2004. Section 3 of this Act
30 shall remain effective for a period of 1 year and 6 months and, at the end of March 31,
31 2006, with no further action required by the General Assembly, Section 3 of this Act
32 shall be abrogated and of no further force and effect.

