

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 429

(Senator Conway)

Education, Health, and Environmental Affairs

Environmental Matters

Recreational Vessels - Personal Flotation Devices for Children - Additional Requirements

This bill establishes new requirements relating to the use of personal flotation devices (PFDs) by children on recreational vessels. Specifically, the bill modifies the definition of “child” to include an individual who weighs 50 pounds or less, regardless of age; those individuals would now be subject to the existing requirement to wear a PFD on vessels shorter than 21 feet. Also, for children younger than four, the bill authorizes additional PFD safety features through March 31, 2006; as of April 1, 2006, these additional safety features are required. Finally, by September 30, 2005, the Department of Natural Resources (DNR) must report on its educational outreach efforts regarding boating safety for children and its enforcement activities, as well as the availability of PFDs manufactured for children.

The provisions regarding the required report sunset March 31, 2006.

Fiscal Summary

State Effect: The Natural Resources Police of DNR could enforce the bill’s changes with existing budgeted resources.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: Chapter 429 of 2001 prohibits a person from operating or permitting the operation of a “vessel” shorter than 21 feet if a child younger than seven is aboard, unless the child is wearing a securely and properly attached PFD. 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 term “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 (USCG) 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. PFD is defined as a Type I, II, III, or V USCG approved PFD that is the proper size for the child and in good and serviceable condition.

Background: Several organizations endorse the mandatory use of PFDs by children. Most states have enacted mandatory PFD-use laws for children. Federal regulations adopted in 2001 require that children younger than 13 aboard recreational vessels wear PFDs; that law exempted states that had already established their own age standards. Because the federal regulations went into effect after Chapter 429 of 2001 was enacted, Maryland law, rather than federal law, is applicable. The age/weight requirement established in the bill is based on current law under the Transportation Article relating to the use of child safety seats in motor vehicles.

USCG approves several types of PFDs, as shown below.

<u>Type of PFD</u>	<u>General Description</u>
Type I	Life preservers/jackets
Type II	Buoyant vests
Type III	Marine buoyant devices (flotation aids)
Type IV	Throwable devices (life rings, cushions)
Type V	Special-use devices (work vests, harnesses)

Additional Information

Prior Introductions: None.

Cross File: None.

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

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