
By: **Delegates Pugh, Anderson, C. Davis, Goodwin, Harrison, Kirk, Marriott, McIntosh, and Paige**

Introduced and read first time: January 18, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Personal Flotation Devices - Mandatory Use**

3 FOR the purpose of requiring an individual operating a vessel to wear a certain
4 personal flotation device; prohibiting an individual operating or allowing the
5 operation of a vessel while there is an individual present in the vessel not
6 wearing a certain personal flotation device; providing for certain exceptions; and
7 generally relating to personal flotation devices.

8 BY repealing and reenacting, with amendments,

9 Article - Natural Resources

10 Section 8-743

11 Annotated Code of Maryland

12 (2000 Replacement Volume and 2005 Supplement)

13 (As enacted by Chapter 458 of the Acts of the General Assembly of 2004)

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

16 **Article - Natural Resources**

17 8-743.

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

19 (2) ["Child" means an individual who:

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

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

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

25 (i) The proper size for the [child] INDIVIDUAL; and

1 (ii) In good and serviceable condition.

2 [(4)] (3) (i) "Vessel" means:

3 1. A vessel used for recreational purposes; or

4 2. A vessel leased, rented, or chartered for noncommercial
5 use.

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

10 (b) (1) [A person may not operate or permit the operation of a vessel under
11 21 feet in length while there is present in the vessel a child not wearing a personal
12 flotation device which is securely and properly attached to the child.] EXCEPT AS
13 PROVIDED IN SUBSECTION (C) OF THIS SECTION:

14 (I) AN INDIVIDUAL OPERATING A VESSEL MUST WEAR A
15 PERSONAL FLOTATION DEVICE THAT IS SECURELY AND PROPERLY ATTACHED TO
16 THE INDIVIDUAL; AND

17 (II) AN INDIVIDUAL MAY NOT OPERATE OR ALLOW THE OPERATION
18 OF A VESSEL WHILE THERE IS PRESENT IN THE VESSEL AN INDIVIDUAL NOT
19 WEARING A PERSONAL FLOTATION DEVICE THAT IS SECURELY AND PROPERLY
20 ATTACHED TO THE INDIVIDUAL.

21 (2) [If the] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
22 IF AN INDIVIDUAL IS A child [is] under the age of 4 years, the personal flotation
23 device shall feature additional safety precautions, as appropriate for an infant,
24 toddler, or young child, so as to:

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

28 (ii) Maintain the buoyancy of the child, including an inflatable
29 headrest or high collar; and

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

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

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

34 (2) [A child] AN INDIVIDUAL who is below deck or in an enclosed cabin.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 2006.

