

UNOFFICIAL COPY OF SENATE BILL 965

M1

(6lr3448)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Judiciary --

Introduced by **Senator Haines**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Waters Department of Natural Resources - Vessels - Penalties for Operating**
3 **Recklessly - Reckless Operation - Subsequent Offenders or Negligently**

4 FOR the purpose of ~~prohibiting a person from negligently operating a vessel on~~
5 ~~waters of the State; prohibiting a person from negligently coming into a wharf or~~
6 ~~bathing shore; altering the penalties for certain violations while operating a~~
7 ~~vessel; establishing certain penalties for a conviction for operating a vessel in a~~
8 ~~certain manner; operating a vessel recklessly or in a certain manner in a certain~~
9 ~~location; altering the penalties for coming into a wharf or bathing shore~~
10 ~~recklessly or in a certain manner; making stylistic changes; and generally~~
11 ~~relating to operating a vessel in waters of the State establishing a certain~~
12 ~~penalty for a certain subsequent offense relating to operation of a vessel; and~~
13 ~~generally relating to certain offenses relating to operation of vessels.~~

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 8-738.1

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2005 Supplement)

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

5 **Article - Natural Resources**

6 8-738.1.

7 (a) ~~A person may not:~~

8 (1) ~~Operate a vessel recklessly, NEGLIGENTLY, or in a manner that may~~
9 ~~endanger [another] A PERSON or the property of another on a bay, creek, lake, river,~~
10 ~~or stream in the State; or~~

11 (2) ~~Come into a wharf or bathing shore recklessly, NEGLIGENTLY, or in a~~
12 ~~manner that may endanger a person or property.~~

13 ~~[(b) A person who violates this section is guilty of a misdemeanor and on~~
14 ~~conviction is subject to imprisonment not exceeding 30 days or a fine of not less than~~
15 ~~\$25 and not exceeding \$200 or both.]~~

16 (B) (1) ~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A~~
17 ~~PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS GUILTY OF A~~
18 ~~MISDEMEANOR AND ON CONVICTION:~~

19 (I) ~~FOR A FIRST OFFENSE, IS SUBJECT TO A FINE OF NOT MORE~~
20 ~~THAN \$1,000 \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH;~~

21 (II) ~~FOR A SECOND OFFENSE, IS SUBJECT TO A FINE OF NOT MORE~~
22 ~~THAN \$2,000 \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH; AND~~

23 (III) ~~FOR A THIRD OR SUBSEQUENT OFFENSE, IS SUBJECT TO A FINE~~
24 ~~OF NOT MORE THAN \$3,000 \$4,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS~~
25 ~~OR BOTH.~~

26 (2) ~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A~~
27 ~~PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A~~
28 ~~MISDEMEANOR AND ON CONVICTION:~~

29 (I) ~~FOR A FIRST OFFENSE, IS SUBJECT TO A FINE OF NOT MORE~~
30 ~~THAN \$500 \$1,500 OR IMPRISONMENT FOR NOT MORE THAN 2 MONTHS OR BOTH; AND~~

31 (II) ~~FOR A SECOND OR SUBSEQUENT OFFENSE, IS SUBJECT TO A~~
32 ~~FINE OF NOT MORE THAN \$1,000 \$2,000 OR IMPRISONMENT OF NOT MORE THAN 1~~
33 ~~YEAR OR BOTH.~~

1 ~~(C) IF A PERSON IS CHARGED WITH A VIOLATION OF THIS SECTION, THE~~
2 ~~COURT MAY FIND THE PERSON GUILTY OF ANY LESSER INCLUDED OFFENSE UNDER~~
3 ~~ANY SUBSECTION OF THIS SECTION.~~

4 8-738.1.

5 (a) A person may not:

6 (1) Operate a vessel recklessly or in a manner that may endanger another
7 or the property of another on a bay, creek, lake, river, or stream in the State; or

8 (2) Come into a wharf or bathing shore recklessly or in a manner that
9 may endanger a person or property.

10 (b) A person who violates this section is guilty of a misdemeanor and on
11 conviction is subject to:

12 (1) FOR A FIRST CONVICTION, imprisonment [for] not exceeding 30 days
13 or a fine of not less than \$25 and not exceeding \$200 or both; AND

14 (2) FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT
15 EXCEEDING 60 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

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