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By: **Senator Haines**

Introduced and read first time: February 22, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Waters - Vessels - Operating Recklessly or Negligently**

3 FOR the purpose of prohibiting a person from negligently operating a vessel on  
4 waters of the State; prohibiting a person from negligently coming into a wharf or  
5 bathing shore; altering the penalties for certain violations while operating a  
6 vessel; establishing certain penalties for a conviction for operating a vessel in a  
7 certain manner; making stylistic changes; and generally relating to operating a  
8 vessel in waters of the State.

9 BY repealing and reenacting, with amendments,  
10 Article - Natural Resources  
11 Section 8-738.1  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2005 Supplement)

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 8-738.1.

18 (a) A person may not:

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

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

24 [(b) A person who violates this section is guilty of a misdemeanor and on  
25 conviction is subject to imprisonment not exceeding 30 days or a fine of not less than  
26 \$25 and not exceeding \$200 or both.]

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

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

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

8 (III) FOR A THIRD OR SUBSEQUENT OFFENSE, IS SUBJECT TO A FINE  
9 OF NOT MORE THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR  
10 BOTH.

11 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A  
12 PERSON WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION IS GUILTY OF A  
13 MISDEMEANOR AND ON CONVICTION:

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

16 (II) FOR A SECOND OR SUBSEQUENT OFFENSE, IS SUBJECT TO A  
17 FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT OF NOT MORE THAN 1 YEAR OR  
18 BOTH.

19 (C) IF A PERSON IS CHARGED WITH A VIOLATION OF THIS SECTION, THE  
20 COURT MAY FIND THE PERSON GUILTY OF ANY LESSER INCLUDED OFFENSE UNDER  
21 ANY SUBSECTION OF THIS SECTION.

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