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By: **Senator Haines**

Introduced and read first time: February 22, 2006

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 3, 2006

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 23, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Waters - Vessels - Penalties for 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; operating a vessel recklessly or in a certain manner in a certain~~  
 8 ~~location; altering the penalties for coming into a wharf or bathing shore~~  
 9 ~~recklessly or in a certain manner; making stylistic changes; and generally~~  
 10 relating to operating a vessel in waters of the State.

11 BY repealing and reenacting, with amendments,

12 Article - Natural Resources

13 Section 8-738.1

14 Annotated Code of Maryland

15 (2000 Replacement Volume and 2005 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Natural Resources**

19 8-738.1.

20 (a) A person may not:

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

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

6 [(b) A person who violates this section is guilty of a misdemeanor and on  
7 conviction is subject to imprisonment not exceeding 30 days or a fine of not less than  
8 \$25 and not exceeding \$200 or both.]

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

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

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

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

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

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

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

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

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

