

HOUSE BILL 988

M1, C5

0lr3305
CF SB 494

By: **Delegate George**

Introduced and read first time: February 12, 2010

Assigned to: Environmental Matters

Reassigned: Economic Matters, February 23, 2010

Committee Report: Favorable

House action: Adopted

Read second time: March 22, 2010

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources – Regulation of For–Hire Water Carriers**

3 FOR the purpose of requiring the Department of Natural Resources to require for–hire
4 water carriers to show certain proof that the water carriers hold a certain
5 insurance policy or bond in accordance with a certain regulation before vessel
6 registration; authorizing the Department to adopt certain regulations; altering
7 a certain definition to exclude for–hire water carriers from regulation by the
8 Public Service Commission; establishing the intent of this Act to transfer the
9 regulatory authority over for–hire water carriers from the Public Service
10 Commission to the Department; encouraging the Department to adopt certain
11 regulations; defining a certain term; and generally relating to the regulation of
12 for–hire water carriers.

13 BY adding to

14 Article – Natural Resources

15 Section 8–744

16 Annotated Code of Maryland

17 (2007 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Public Utility Companies

20 Section 1–101(e)

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

Article – Natural Resources

8–744.

(A) IN THIS SECTION, “FOR–HIRE WATER CARRIER” MEANS A VESSEL USED TO ACCEPT OR SOLICIT PASSENGERS FOR:

(1) TRANSPORTATION BETWEEN POINTS ALONG STATE WATERS IN EXCHANGE FOR REMUNERATION; AND

(2) SIGHTSEEING AND TOURING IN STATE WATERS IN EXCHANGE FOR REMUNERATION.

(B) BEFORE THE DEPARTMENT REGISTERS A FOR–HIRE WATER CARRIER, THE DEPARTMENT SHALL REQUIRE THE FOR–HIRE WATER CARRIER TO SHOW, TO THE DEPARTMENT’S SATISFACTION, THAT THE WATER CARRIER HOLDS AN INSURANCE POLICY OR A BOND IN AN AMOUNT THAT IS REQUIRED OF A MOTOR VEHICLE CARRYING THE SAME NUMBER OF PASSENGERS IN ACCORDANCE WITH COMAR 20.95.01.18.

(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

Article – Public Utility Companies

1–101.

(e) (1) “Common carrier” means a person, public authority, or federal, State, district, or municipal transportation unit that is engaged in the public transportation of persons for hire, by land, water, air, or any combination of them.

(2) “Common carrier” includes:

(i) an airline company;

(ii) a car company, motor vehicle company, automobile company, or motor bus company;

(iii) a power boat company, vessel–boat company, steamboat company, or ferry company;

1 (iv) a railroad company, street railroad company, or sleeping car
2 company;

3 (v) a taxicab company;

4 (vi) a toll bridge company; and

5 (vii) a transit company.

6 (3) "Common carrier" does not include:

7 (i) a county revenue authority;

8 (ii) a toll bridge or other facility owned and operated by a county
9 revenue authority; [or]

10 (iii) a vanpool or launch service; OR

11 (IV) A FOR-HIRE WATER CARRIER, AS DEFINED IN § 8-744
12 OF THE NATURAL RESOURCES ARTICLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
14 General Assembly that the regulatory authority over for-hire water carriers be
15 transferred from the Public Service Commission to the Department of Natural
16 Resources. The Department is encouraged to adopt regulations that apply the same
17 insurance and bonding rates to for-hire water carriers that the Public Service
18 Commission applied to for-hire water carriers under COMAR 20.95.01.18.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.