

SENATE BILL 494

M1, C5

0lr2482

By: **Senator Astle**

Introduced and read first time: February 3, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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)

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

25 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-744.

2 (A) IN THIS SECTION, "FOR-HIRE WATER CARRIER" MEANS A VESSEL
3 USED TO ACCEPT OR SOLICIT PASSENGERS FOR:

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

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

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

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

16 **Article – Public Utility Companies**

17 1-101.

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

21 (2) "Common carrier" includes:

22 (i) an airline company;

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

25 (iii) a power boat company, vessel-boat company, steamboat
26 company, or ferry company;

27 (iv) a railroad company, street railroad company, or sleeping car
28 company;

29 (v) a taxicab company;

30 (vi) a toll bridge company; and

- 1 (vii) a transit company.
- 2 (3) "Common carrier" does not include:
- 3 (i) a county revenue authority;
- 4 (ii) a toll bridge or other facility owned and operated by a county
5 revenue authority; [or]
- 6 (iii) a vanpool or launch service; **OR**
- 7 **(IV) A FOR-HIRE WATER CARRIER, AS DEFINED IN § 8-744**
8 **OF THE NATURAL RESOURCES ARTICLE.**

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

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