

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 123

(Senator Simonaire)

Education, Health, and Environmental Affairs

Environment and Transportation

Interstate Boating Violator Compact

This bill approves the Interstate Boating Violator Compact and authorizes the Governor to enter into the compact on behalf of the State with any other state or states. The Secretary of Natural Resources must appoint a Boating Compact Administrator for Maryland. The Department of Natural Resources (DNR) must deny, suspend, or revoke the watercraft operating privileges or watercraft operator's license of any person in the State to the extent that the watercraft operating privileges or the watercraft operator's license has been denied, suspended, or revoked by another compact member under the provisions of the compact. DNR must adopt regulations necessary to carry out the bill.

Fiscal Summary

State Effect: The bill is not expected to materially impact State finances initially but could result in additional personnel expenditures for data entry in future years.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Under the Interstate Boating Violator Compact:

- an officer that issues a citation for a boating violation to a resident of another state that is a party to the compact must treat the nonresident in the same manner as if they were a resident of the issuing state and may not require the person to post collateral to secure appearance if the officer receives the person's personal recognizance that the person will comply with the terms of the citation;

- the boating authority (department or division authorized to regulate the operation of watercraft on public waters) of the state that issued the citation reports a conviction or a failure of a person to comply with the terms of a citation to the boating authority in the person's home state;
- upon receipt of a report of a conviction from the boating authority of the issuing state, the boating authority of the home state enters the conviction in the boating authority's records and treats it as if it occurred in the home state for purposes of suspension of watercraft operating privileges or a watercraft operator's license;
- upon receipt of a report of a failure to comply with the terms of a citation from the boating authority of the issuing state, the boating authority of the home state – according due process safeguards – notifies the violator, initiates a suspension action, and suspends the violator's watercraft operating privileges or watercraft operator's license until the violator complies with the issuing state citation; and
- all states that are a party to the compact share suspension information and recognize the suspension of watercraft operating privileges or the watercraft operator's license of any person by any state as if the violation occurred in their respective states and could have been the basis for suspension in their respective states.

The compact establishes a Board of Boating Compact Administrators to administer the compact and serve as a governing body for the resolution of all matters relating to the operation of the compact. The board is composed of one Boating Compact Administrator from each party state. The bill establishes procedures, powers, and responsibilities of the board.

The compact is effective when it has been adopted by at least two states and specifies procedures for entry into and withdrawal from the compact and amendment of the compact.

Current Law/Background: DNR indicates that its current handling of nonresidents who are issued boating citations is consistent with the compact in that a nonresident violator is not required to post collateral. However, if a person fails to comply with a citation, an arrest warrant is issued and generally only served if the person returns to Maryland. Maryland does not have a watercraft operator's license and only suspends watercraft operating privileges in relation to the operation of a vessel while under the influence of alcohol. The court may prohibit a person convicted of operating a vessel while under the influence of alcohol from operating a vessel on State waters for up to one year if the person refused a test to determine alcohol concentration, or was tested and the result indicated an alcohol concentration of 0.08 or more.

Georgia and South Carolina are the current members of the Interstate Boating Violator Compact. Both enacted laws establishing the compact in 2014.

The compact is similar to the Interstate Wildlife Violator Compact, of which Maryland is currently a member. The Interstate Wildlife Violator Compact promotes compliance with laws and regulations relating to management of wildlife resources in member states (including fishing, hunting, and trapping).

State Fiscal Effect: Based on information from Georgia and South Carolina on the number of records they share between the two states under the compact, data entry of records Maryland likely receives under the compact can be handled with existing resources. Any other costs associated with membership in the compact, such as travel expenses associated with any meetings of the Board of Compact Administrators, are not expected to be significant.

If more states join the compact in future years, the data entry workload could contribute to a need for an additional office secretary position. Currently, costs associated with such a position are approximately \$50,000 annually.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Governor's Office, Department of Natural Resources, Georgia Department of Natural Resources, South Carolina Department of Natural Resources, Department of Legislative Services

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md/lgc

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