

SENATE BILL 81

M1
SB 123/16 – EHE

(PRE-FILED)

7lr0848

By: **Senator Simonaire**

Requested: October 12, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Boating Violator Compact**

3 FOR the purpose of authorizing the Governor to enter into the Interstate Boating Violator
4 Compact; providing for the purposes of the Compact; providing for procedures for
5 states issuing citations for boating violations to certain persons residing in party
6 states; providing for procedures for home states for certain persons receiving certain
7 citations; providing for the reciprocal recognition of suspension of certain privileges
8 or licenses under certain circumstances; providing for the application of other laws
9 relating to certain watercraft operating privileges or licenses; providing for a Board
10 of Boating Compact Administrators for certain purposes; providing for the entry into
11 and withdrawal from the Compact; providing for amendments to the Compact;
12 providing for the severability of provisions of the Compact; requiring the Secretary
13 of Natural Resources to appoint a Boating Compact Administrator; requiring the
14 Boating Compact Administrator to serve at the pleasure of the Secretary; requiring
15 the Department of Natural Resources to take certain actions under certain
16 circumstances in accordance with this Act; requiring the Department to adopt
17 certain regulations; defining certain terms; and generally relating to interstate
18 enforcement of boating violations.

19 BY adding to

20 Article – Natural Resources

21 Section 8–801 through 8–804 to be under the new subtitle “Subtitle 8. Interstate
22 Boating Violator Compact”

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2016 Supplement)

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

27 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 8. INTERSTATE BOATING VIOLATOR COMPACT.**

2 **8-801.**

3 **THE GENERAL ASSEMBLY HEREBY APPROVES AND THE GOVERNOR IS**
4 **AUTHORIZED TO ENTER INTO A COMPACT ON BEHALF OF THIS STATE WITH ANY**
5 **OTHER STATE OR STATES IN A FORM SUBSTANTIALLY AS FOLLOWS:**

6 **ARTICLE I**

7 **FINDINGS, DECLARATION OF POLICY, AND PURPOSE**

8 **(A) THE PARTY STATES FIND THAT:**

9 **(1) BOATING ACTIVITIES ON PUBLIC WATERS ARE MANAGED BY THE**
10 **RESPECTIVE STATES FOR THE BENEFIT OF ALL RESIDENTS AND VISITORS;**

11 **(2) THE BENEFITS OF BOATING ACTIVITIES ON PUBLIC WATERS CAN**
12 **BE MATERIALLY AFFECTED BY THE DEGREE OF COMPLIANCE WITH STATE STATUTE,**
13 **LAW, REGULATION, ORDINANCE, OR ADMINISTRATIVE RULE RELATING TO THE**
14 **MANAGEMENT OF THOSE ACTIVITIES;**

15 **(3) THE MANAGEMENT OF BOATING ACTIVITIES ON PUBLIC WATERS**
16 **CONTRIBUTES IMMEASURABLY TO THE AESTHETIC, RECREATIONAL, AND ECONOMIC**
17 **ASPECTS OF THE RESPECTIVE STATES;**

18 **(4) BOATING ACTIVITIES ON PUBLIC WATERS ARE VALUABLE**
19 **WITHOUT REGARD TO POLITICAL BOUNDARIES;**

20 **(5) ALL PERSONS SHOULD BE REQUIRED TO COMPLY WITH BOATING**
21 **LAWS, ORDINANCES, AND ADMINISTRATIVE RULES AND REGULATIONS OF ALL PARTY**
22 **STATES AS A CONDITION PRECEDENT TO THE PRIVILEGE OF OPERATING**
23 **WATERCRAFT ON PUBLIC WATERS;**

24 **(6) VIOLATION OF BOATING LAWS INTERFERES WITH THE**
25 **MANAGEMENT OF BOATING ACTIVITIES ON PUBLIC WATERS AND MAY ENDANGER**
26 **THE SAFETY OF PERSONS AND PROPERTY;**

27 **(7) THE MOBILITY OF MANY BOATING LAW VIOLATORS NECESSITATES**
28 **THE MAINTENANCE OF CHANNELS OF COMMUNICATION AMONG THE RESPECTIVE**
29 **STATES;**

1 **(8) IN MOST INSTANCES, A PERSON WHO IS CITED FOR A BOATING**
2 **VIOLATION IN A STATE OTHER THAN THE PERSON'S HOME STATE:**

3 **(I) MUST POST COLLATERAL OR BOND TO SECURE**
4 **APPEARANCE FOR A TRIAL AT A LATER DATE;**

5 **(II) IF UNABLE TO POST COLLATERAL OR BOND, IS TAKEN INTO**
6 **CUSTODY UNTIL THE COLLATERAL OR BOND IS POSTED; OR**

7 **(III) IS TAKEN DIRECTLY TO COURT FOR AN IMMEDIATE**
8 **APPEARANCE;**

9 **(9) THE PURPOSE OF THE ENFORCEMENT PRACTICES DESCRIBED IN**
10 **ITEM (8) OF THIS SUBSECTION IS TO ENSURE COMPLIANCE WITH THE TERMS OF A**
11 **BOATING CITATION BY THE PERSON WHO, IF PERMITTED TO CONTINUE ON THE**
12 **PERSON'S WAY AFTER RECEIVING THE CITATION, COULD RETURN TO THE PERSON'S**
13 **HOME STATE AND DISREGARD THE PERSON'S DUTY UNDER THE TERMS OF THE**
14 **CITATION;**

15 **(10) IN MOST INSTANCES, A PERSON RECEIVING A BOATING CITATION**
16 **IN THE PERSON'S HOME STATE IS PERMITTED TO ACCEPT THE CITATION FROM THE**
17 **OFFICER AT THE SCENE OF THE VIOLATION AND TO CONTINUE IMMEDIATELY ON**
18 **THE PERSON'S WAY AFTER AGREEING OR BEING INSTRUCTED TO COMPLY WITH THE**
19 **TERMS OF THE CITATION;**

20 **(11) THE PRACTICE DESCRIBED IN ITEM (8) OF THIS SUBSECTION**
21 **CAUSES UNNECESSARY INCONVENIENCE AND, AT TIMES, A HARDSHIP FOR THE**
22 **PERSON WHO IS UNABLE AT THE TIME TO POST COLLATERAL, FURNISH A BOND,**
23 **STAND TRIAL, OR PAY THE FINE, AND THUS IS COMPELLED TO REMAIN IN CUSTODY**
24 **UNTIL SOME ALTERNATIVE ARRANGEMENT CAN BE MADE; AND**

25 **(12) THE ENFORCEMENT PRACTICES DESCRIBED IN ITEM (8) OF THIS**
26 **SUBSECTION CONSUME AN UNDUE AMOUNT OF LAW ENFORCEMENT TIME.**

27 **(B) IT IS THE POLICY OF THE PARTY STATES TO:**

28 **(1) PROMOTE COMPLIANCE WITH THE STATUTES, LAWS,**
29 **ORDINANCES, REGULATIONS, AND ADMINISTRATIVE RULES RELATING TO BOATING**
30 **ACTIVITIES ON PUBLIC WATERS IN THEIR RESPECTIVE STATES;**

31 **(2) RECOGNIZE THE SUSPENSION OF WATERCRAFT OPERATING**
32 **PRIVILEGES OR THE WATERCRAFT OPERATOR'S LICENSE OF ANY PERSON WHOSE**
33 **WATERCRAFT OPERATING PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSE HAS**

1 BEEN SUSPENDED BY A PARTY STATE AND TREAT THE SUSPENSION AS IF IT HAD
2 OCCURRED IN THEIR RESPECTIVE STATES;

3 (3) ALLOW VIOLATORS TO ACCEPT A BOATING CITATION, EXCEPT AS
4 PROVIDED IN SUBSECTION (B) OF ARTICLE III, AND PROCEED ON THE VIOLATOR'S
5 WAY WITHOUT DELAY WHETHER OR NOT THE PERSON IS A RESIDENT IN THE STATE
6 IN WHICH THE CITATION WAS ISSUED, PROVIDED THAT THE VIOLATOR'S HOME
7 STATE IS A PARTICIPANT IN THIS COMPACT;

8 (4) REPORT TO THE APPROPRIATE PARTY STATE, AS PROVIDED IN
9 THE COMPACT MANUAL, ANY BOATING CONVICTION RECORDED AGAINST A PERSON
10 WHOSE HOME STATE WAS NOT THE ISSUING STATE;

11 (5) ALLOW THE HOME STATE TO RECOGNIZE AND TREAT BOATING
12 CONVICTIONS RECORDED FOR THE HOME STATE'S RESIDENTS THAT OCCURRED IN
13 ANOTHER PARTY STATE AS IF THEY HAD OCCURRED IN THE HOME STATE;

14 (6) EXTEND COOPERATION TO ITS FULLEST EXTENT AMONG THE
15 PARTY STATES FOR OBTAINING COMPLIANCE WITH THE TERMS OF A BOATING
16 CITATION ISSUED IN ONE PARTY STATE TO A RESIDENT OF ANOTHER PARTY STATE;

17 (7) MAXIMIZE EFFECTIVE USE OF LAW ENFORCEMENT PERSONNEL
18 AND INFORMATION; AND

19 (8) ASSIST COURT SYSTEMS IN THE EFFICIENT DISPOSITION OF
20 BOATING VIOLATIONS.

21 (c) THE PURPOSES OF THIS COMPACT ARE TO PROVIDE:

22 (1) A MEANS THROUGH WHICH THE PARTY STATES MAY PARTICIPATE
23 IN A RECIPROCAL PROGRAM TO EFFECTUATE POLICIES ENUMERATED IN
24 SUBSECTION (B) OF THIS ARTICLE IN A UNIFORM AND ORDERLY MANNER; AND

25 (2) FOR THE FAIR AND IMPARTIAL TREATMENT OF BOATING
26 VIOLATORS OPERATING WITHIN PARTY STATES IN RECOGNITION OF THE PERSON'S
27 RIGHT OF DUE PROCESS AND THE SOVEREIGN STATUS OF A PARTY STATE.

28 ARTICLE II

29 DEFINITIONS

1 (A) UNLESS THE CONTEXT REQUIRES OTHERWISE, THE FOLLOWING WORDS
2 HAVE THE MEANINGS INDICATED AND ARE INTENDED ONLY FOR THE
3 IMPLEMENTATION OF THIS COMPACT.

4 (B) "BOATING ACTIVITY" MEANS ANY ACTIVITY INVOLVING THE OPERATION
5 OF A WATERCRAFT ON PUBLIC WATERS.

6 (C) "BOATING AUTHORITY" MEANS THE DEPARTMENT OR DIVISION WITHIN
7 EACH PARTY STATE THAT IS AUTHORIZED BY LAW TO REGULATE THE OPERATION OF
8 WATERCRAFT ON PUBLIC WATERS.

9 (D) "BOATING LAW" MEANS ANY STATUTE, LAW, REGULATION, ORDINANCE,
10 OR ADMINISTRATIVE RULE DEVELOPED AND ENACTED TO REGULATE BOATING
11 ACTIVITIES ON PUBLIC WATERS.

12 (E) "BOATING VIOLATION" MEANS ANY CITED VIOLATION OF A STATUTE, A
13 LAW, A REGULATION, AN ORDINANCE, OR AN ADMINISTRATIVE RULE DEVELOPED
14 AND ENACTED TO REGULATE THE OPERATION OF WATERCRAFT ON PUBLIC WATERS.

15 (F) "CITATION" MEANS ANY SUMMONS, COMPLAINT, TICKET, PENALTY
16 ASSESSMENT, OR OTHER OFFICIAL DOCUMENT ISSUED BY A LAW ENFORCEMENT
17 OFFICER FOR A BOATING VIOLATION CONTAINING AN ORDER THAT REQUIRES THE
18 PERSON TO RESPOND.

19 (G) "COLLATERAL" MEANS ANY CASH OR OTHER SECURITY DEPOSITED TO
20 SECURE AN APPEARANCE FOR TRIAL, IN CONNECTION WITH THE ISSUANCE BY A LAW
21 ENFORCEMENT OFFICER OF A CITATION FOR A BOATING VIOLATION.

22 (H) "COMPLIANCE" WITH RESPECT TO A CITATION MEANS THE ACT OF
23 ANSWERING THE CITATION THROUGH APPEARANCE AT A COURT OR A TRIBUNAL, OR
24 PAYMENT OF FINES, COSTS, AND SURCHARGES, IF ANY, OR BOTH APPEARANCE AND
25 PAYMENT.

26 (I) "CONVICTION" MEANS:

27 (1) A CONVICTION, INCLUDING ANY COURT CONVICTION, FOR AN
28 OFFENSE RELATED TO THE OPERATION OF WATERCRAFT ON PUBLIC WATERS THAT
29 IS PROHIBITED BY STATE STATUTE, LAW, REGULATION, ORDINANCE, OR
30 ADMINISTRATIVE RULE;

31 (2) A FORFEITURE OF BAIL, BOND, OR OTHER SECURITY DEPOSITED
32 TO SECURE APPEARANCE BY A PERSON CHARGED WITH HAVING COMMITTED THE
33 OFFENSE;

1 **(3) PAYMENT OF A PENALTY ASSESSMENT;**

2 **(4) A PLEA OF NOLO CONTENDERE; OR**

3 **(5) THE IMPOSITION OF A DEFERRED OR SUSPENDED SENTENCE BY**
4 **THE COURT.**

5 **(J) "COURT" MEANS ANY COURT OF LAW, INCLUDING MAGISTRATES COURT.**

6 **(K) "HOME STATE" MEANS THE STATE OF PRIMARY RESIDENCE OF A**
7 **PERSON.**

8 **(L) "ISSUING STATE" MEANS THE PARTY STATE THAT ISSUES A BOATING**
9 **CITATION TO THE VIOLATOR.**

10 **(M) "OFFICER" MEANS ANY INDIVIDUAL AUTHORIZED BY A PARTY STATE TO**
11 **ISSUE A CITATION FOR A BOATING VIOLATION.**

12 **(N) "OPERATE" MEANS TO NAVIGATE, STEER, DRIVE, OR BE IN CONTROL OF**
13 **A WATERCRAFT.**

14 **(O) "PARTY STATE" MEANS ANY STATE THAT ENACTS LEGISLATION TO**
15 **BECOME A MEMBER OF THIS COMPACT.**

16 **(P) "PERSONAL RECOGNIZANCE" MEANS AN AGREEMENT BY A PERSON**
17 **MADE AT THE TIME OF ISSUANCE OF THE BOATING CITATION THAT THE PERSON**
18 **WILL COMPLY WITH THE TERMS OF THAT CITATION.**

19 **(Q) "STATE" MEANS ANY STATE, TERRITORY, OR POSSESSION OF THE**
20 **UNITED STATES, INCLUDING THE DISTRICT OF COLUMBIA AND THE**
21 **COMMONWEALTH OF PUERTO RICO.**

22 **(R) "SUSPENSION" MEANS ANY REVOCATION, DENIAL, OR WITHDRAWAL OF**
23 **ANY OR ALL WATERCRAFT OR WATER DEVICE OPERATING PRIVILEGES, OR**
24 **WATERCRAFT OPERATOR'S LICENSE.**

25 **(S) "TERMS OF THE CITATION" MEANS THOSE CONDITIONS AND OPTIONS**
26 **EXPRESSLY STATED IN THE CITATION.**

27 **(T) (1) "WATERCRAFT" MEANS ANYTHING USED OR CAPABLE OF BEING**
28 **USED AS A MEANS OF TRANSPORTATION ON THE WATER, INCLUDING A BOAT,**
29 **MOTORBOAT, PERSONAL WATERCRAFT, SIMILAR VESSEL, OR PADDLE BOARD.**

1 **(2) "WATERCRAFT" DOES NOT INCLUDE A SEAPLANE REGULATED BY**
2 **THE FEDERAL GOVERNMENT, WATER SKIS, AQUAPLANES, SURFBOARDS,**
3 **SAILBOARDS, TUBES, AND SIMILAR DEVICES OR ANYTHING THAT DOES NOT MEET**
4 **CONSTRUCTION OR OPERATIONAL REQUIREMENTS OF THE STATE OR FEDERAL**
5 **GOVERNMENT FOR WATERCRAFT.**

6 **ARTICLE III**

7 **PROCEDURES FOR ISSUING STATE**

8 **(A) SUBJECT TO SUBSECTION (B) OF THIS ARTICLE, WHEN ISSUING A**
9 **CITATION FOR A BOATING VIOLATION, AN OFFICER SHALL ISSUE A CITATION TO ANY**
10 **PERSON WHOSE PRIMARY RESIDENCE IS IN A PARTY STATE IN THE SAME MANNER AS**
11 **IF THE PERSON WERE A RESIDENT OF THE ISSUING STATE AND MAY NOT REQUIRE**
12 **THE PERSON TO POST COLLATERAL TO SECURE APPEARANCE IF THE OFFICER**
13 **RECEIVES THE PERSON'S PERSONAL RECOGNIZANCE THAT THE PERSON WILL**
14 **COMPLY WITH THE TERMS OF THE CITATION.**

15 **(B) PERSONAL RECOGNIZANCE IS ACCEPTABLE:**

16 **(1) IF IT IS NOT PROHIBITED BY LOCAL LAW OR THE COMPACT**
17 **MANUAL; AND**

18 **(2) IF THE VIOLATOR PROVIDES ADEQUATE PROOF OF THE**
19 **VIOLATOR'S IDENTIFICATION TO THE OFFICER.**

20 **(C) (1) ON CONVICTION OR FAILURE OF A PERSON TO COMPLY WITH THE**
21 **TERMS OF A BOATING CITATION, THE APPROPRIATE OFFICIAL SHALL REPORT THE**
22 **CONVICTION OR FAILURE TO COMPLY TO THE BOATING AUTHORITY OF THE PARTY**
23 **STATE IN WHICH THE BOATING CITATION WAS ISSUED.**

24 **(2) THE REPORT MUST BE MADE IN ACCORDANCE WITH PROCEDURES**
25 **SPECIFIED BY THE ISSUING STATE AND SHALL CONTAIN THE INFORMATION**
26 **SPECIFIED IN THE COMPACT MANUAL AS MINIMUM REQUIREMENTS FOR EFFECTIVE**
27 **PROCESSING BY THE HOME STATE.**

28 **(D) ON RECEIPT OF THE REPORT OF CONVICTION OR NONCOMPLIANCE**
29 **REQUIRED BY SUBSECTION (C) OF THIS ARTICLE, THE BOATING AUTHORITY OF THE**
30 **ISSUING STATE SHALL TRANSMIT TO THE BOATING AUTHORITY IN THE HOME STATE**
31 **OF THE VIOLATOR THE INFORMATION IN A FORM AND CONTENT AS CONTAINED IN**
32 **THE COMPACT MANUAL.**

ARTICLE IV

PROCEDURES FOR HOME STATE

(A) (1) ON RECEIPT OF A REPORT OF FAILURE TO COMPLY WITH THE TERMS OF A CITATION FROM THE BOATING AUTHORITY OF THE ISSUING STATE, THE BOATING AUTHORITY OF THE HOME STATE SHALL:

(I) NOTIFY THE VIOLATOR;

(II) INITIATE A SUSPENSION ACTION IN ACCORDANCE WITH THE HOME STATE'S SUSPENSION PROCEDURES; AND

(III) SUSPEND THE VIOLATOR'S WATERCRAFT OPERATING PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSE UNTIL SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE TERMS OF THE BOATING CITATION HAS BEEN FURNISHED BY THE ISSUING STATE TO THE HOME STATE BOATING AUTHORITY.

(2) DUE PROCESS SAFEGUARDS SHALL BE ACCORDED.

(B) ON RECEIPT OF A REPORT OF CONVICTION FROM THE BOATING AUTHORITY OF THE ISSUING STATE, THE BOATING AUTHORITY OF THE HOME STATE SHALL ENTER THE CONVICTION IN THE BOATING AUTHORITY'S RECORDS AND SHALL TREAT THE CONVICTION AS IF IT OCCURRED IN THE HOME STATE FOR THE PURPOSES OF THE SUSPENSION OF WATERCRAFT OPERATING PRIVILEGES OR A WATERCRAFT OPERATOR'S LICENSE.

(C) THE BOATING AUTHORITY OF THE HOME STATE SHALL MAINTAIN A RECORD OF ACTIONS TAKEN AND MAKE REPORTS TO ISSUING STATES AS PROVIDED IN THE COMPACT MANUAL.

ARTICLE V

RECIPROCAL RECOGNITION OF SUSPENSION

(A) ALL PARTY STATES SHALL RECOGNIZE THE SUSPENSION OF WATERCRAFT OPERATING PRIVILEGES OR THE WATERCRAFT OPERATOR'S LICENSE OF ANY PERSON BY ANY STATE AS IF THE VIOLATION ON WHICH THE SUSPENSION IS BASED OCCURRED IN THEIR RESPECTIVE STATES AND COULD HAVE BEEN THE BASIS FOR SUSPENSION OF WATERCRAFT OPERATING PRIVILEGES OR THE WATERCRAFT OPERATOR'S LICENSE IN THEIR RESPECTIVE STATES.

1 **(B) (1) EACH MEMBER OF THE BOARD OF BOATING COMPACT**
2 **ADMINISTRATORS IS ENTITLED TO ONE VOTE.**

3 **(2) NO ACTION OF THE BOARD OF BOATING COMPACT**
4 **ADMINISTRATORS IS BINDING UNLESS TAKEN AT A MEETING AT WHICH A MAJORITY**
5 **OF THE TOTAL NUMBER OF VOTES ON THE BOARD ARE CAST IN FAVOR OF THE**
6 **ACTION.**

7 **(3) ACTION BY THE BOARD OF BOATING COMPACT ADMINISTRATORS**
8 **MAY BE TAKEN ONLY AT A MEETING AT WHICH A MAJORITY OF THE PARTY STATES**
9 **ARE REPRESENTED.**

10 **(C) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL ELECT**
11 **ANNUALLY, FROM ITS MEMBERSHIP, A CHAIR AND VICE CHAIR.**

12 **(D) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL ADOPT**
13 **BYLAWS CONSISTENT WITH THE PROVISIONS OF THIS COMPACT OR THE LAWS OF A**
14 **PARTY STATE FOR THE CONDUCT OF THE BOARD'S BUSINESS AND SHALL HAVE THE**
15 **POWER TO AMEND AND RESCIND THE BOARD'S BYLAWS.**

16 **(E) THE BOARD OF BOATING COMPACT ADMINISTRATORS MAY ACCEPT**
17 **FOR ANY OF THE BOARD'S PURPOSES AND FUNCTIONS UNDER THIS COMPACT ALL**
18 **DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND**
19 **SERVICES, CONDITIONAL OR OTHERWISE, FROM ANY STATE, THE UNITED STATES,**
20 **OR ANY GOVERNMENT AGENCY, AND MAY RECEIVE, UTILIZE, AND DISPOSE OF THE**
21 **SAME.**

22 **(F) THE BOARD OF BOATING COMPACT ADMINISTRATORS MAY CONTRACT**
23 **WITH OR ACCEPT SERVICES OR PERSONNEL FROM ANY GOVERNMENT OR**
24 **INTERGOVERNMENTAL AGENCY, INDIVIDUAL, FIRM, CORPORATION, OR PRIVATE**
25 **NONPROFIT ORGANIZATION OR INSTITUTION.**

26 **(G) (1) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL**
27 **FORMULATE ALL NECESSARY PROCEDURES AND DEVELOP UNIFORM FORMS AND**
28 **DOCUMENTS FOR ADMINISTERING THE PROVISIONS OF THIS COMPACT, INCLUDING**
29 **THE COMPACT MANUAL.**

30 **(2) ALL PROCEDURES AND FORMS ADOPTED IN ACCORDANCE WITH**
31 **THE ACTION OF THE BOARD OF BOATING COMPACT ADMINISTRATORS MUST BE**
32 **CONTAINED IN THE COMPACT MANUAL.**

ENTRY INTO COMPACT AND WITHDRAWAL

(A) THIS COMPACT SHALL BECOME EFFECTIVE WHEN IT HAS BEEN ADOPTED BY AT LEAST TWO STATES.

(B) (1) ENTRY INTO THIS COMPACT SHALL BE MADE BY RESOLUTION OF RATIFICATION EXECUTED BY THE AUTHORIZED OFFICIALS OF THE APPLYING STATE AND SUBMITTED TO THE CHAIR OF THE BOARD OF BOATING COMPACT ADMINISTRATORS.

(2) THE RESOLUTION SHALL BE IN A FORM AND CONTENT AS PROVIDED IN THE COMPACT MANUAL AND SHALL INCLUDE STATEMENTS THAT IN SUBSTANCE ARE AS FOLLOWS:

(I) A CITATION OF THE AUTHORITY BY WHICH THE STATE IS EMPOWERED TO BECOME A PARTY TO THIS COMPACT;

(II) AGREEMENT TO COMPLY WITH THE TERMS AND PROVISIONS OF THIS COMPACT; AND

(III) THAT COMPACT ENTRY IS WITH ALL STATES THEN PARTY TO THIS COMPACT AND WITH ANY STATE THAT LEGALLY BECOMES A PARTY TO THIS COMPACT.

(3) THE EFFECTIVE DATE OF ENTRY SHALL BE SPECIFIED BY THE APPLYING STATE BUT SHALL NOT BE LESS THAN 60 DAYS AFTER NOTICE HAS BEEN GIVEN BY THE CHAIR OF THE BOARD OF BOATING COMPACT ADMINISTRATORS OR BY THE SECRETARIAT OF THE BOARD TO EACH PARTY STATE THAT THE RESOLUTION FROM THE APPLYING STATE HAS BEEN RECEIVED.

(C) (1) A PARTY STATE MAY WITHDRAW FROM THIS COMPACT BY OFFICIAL WRITTEN NOTICE TO THE OTHER PARTY STATES, BUT A WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL 90 DAYS AFTER NOTICE OF WITHDRAWAL IS GIVEN.

(2) THE NOTICE SHALL BE DIRECTED TO THE BOATING COMPACT ADMINISTRATOR OF EACH MEMBER STATE.

(3) A WITHDRAWAL MAY NOT AFFECT THE VALIDITY OF THIS COMPACT AS TO THE REMAINING PARTY STATES.

ARTICLE IX**AMENDMENTS TO THE COMPACT**

1 (A) THIS COMPACT MAY BE AMENDED IN ACCORDANCE WITH THIS ARTICLE.

2 (B) AMENDMENTS SHALL BE PRESENTED IN RESOLUTION FORM TO THE
3 CHAIR OF THE BOARD OF BOATING COMPACT ADMINISTRATORS AND MAY BE
4 INITIATED BY ONE OR MORE PARTY STATES.

5 (C) ADOPTION OF AN AMENDMENT SHALL REQUIRE ENDORSEMENT BY ALL
6 PARTY STATES AND SHALL BECOME EFFECTIVE 30 DAYS AFTER THE DATE OF THE
7 LAST ENDORSEMENT.

8 ARTICLE X

9 CONSTRUCTION AND SEVERABILITY

10 (A) THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
11 EFFECTUATE THE PURPOSES STATED IN THIS COMPACT.

12 (B) THE PROVISIONS OF THIS COMPACT ARE SEVERABLE, AND IF ANY
13 PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS DECLARED TO BE
14 CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES
15 OR THE APPLICABILITY OF THIS COMPACT TO ANY GOVERNMENT, AGENCY,
16 INDIVIDUAL, OR CIRCUMSTANCE IS HELD INVALID, THIS COMPACT SHALL NOT BE
17 AFFECTED.

18 (C) IF THIS COMPACT IS HELD CONTRARY TO THE CONSTITUTION OF ANY
19 PARTY STATE, THIS COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO
20 THE REMAINING STATES AND IN FULL FORCE AND EFFECT AS TO THE STATE
21 AFFECTED AS TO ALL SEVERABLE MATTERS.

22 ARTICLE XI

23 TITLE

24 THIS COMPACT SHALL BE KNOWN AS THE "INTERSTATE BOATING VIOLATOR
25 COMPACT".

26 8-802.

27 (A) THE SECRETARY SHALL APPOINT A BOATING COMPACT
28 ADMINISTRATOR FOR MARYLAND.

1 **(B) THE BOATING COMPACT ADMINISTRATOR SERVES AT THE PLEASURE**
2 **OF THE SECRETARY.**

3 **8-803.**

4 **THE DEPARTMENT SHALL DENY, SUSPEND, OR REVOKE THE WATERCRAFT**
5 **OPERATING PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSE OF ANY PERSON IN**
6 **THIS STATE TO THE EXTENT THAT THE WATERCRAFT OPERATING PRIVILEGES OR**
7 **THE WATERCRAFT OPERATOR'S LICENSE HAS BEEN DENIED, SUSPENDED, OR**
8 **REVOKED BY ANOTHER COMPACT MEMBER UNDER THE PROVISIONS OF § 8-801 OF**
9 **THIS SUBTITLE.**

10 **8-804.**

11 **THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT**
12 **THE PURPOSES OF THIS SUBTITLE.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **October 1, 2017.**