

SENATE BILL 1080

M1

7lr3668

By: **Senator Simonaire**

Introduced and read first time: February 15, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Boat Act – Privilege to Operate a Vessel – Suspension Authority**

3 FOR the purpose of authorizing the Department of Natural Resources, in addition to
4 certain other applicable penalties, to suspend for up to a certain period of time the
5 privilege to operate a vessel on the waters of the State of a person who is convicted
6 of a certain violation; prohibiting a person from operating a vessel on the waters of
7 the State during a period of suspension of the privilege to operate a vessel on the
8 waters of the State; establishing certain timing and hearing requirements before the
9 suspension of the privilege to operate a vessel on the waters of the State; authorizing
10 the Department to suspend the privilege to operate a vessel on the waters of the
11 State without a hearing under certain circumstances; requiring the Department to
12 adopt certain regulations; providing for the application of this Act; and generally
13 relating to the suspension of a privilege to operate a vessel on the waters of the State.

14 BY adding to

15 Article – Natural Resources

16 Section 8–738.3

17 Annotated Code of Maryland

18 (2012 Replacement Volume and 2016 Supplement)

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

21 **Article – Natural Resources**

22 **8–738.3.**

23 **(A) THIS SECTION APPLIES TO:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) A VESSEL REQUIRED TO BE REGISTERED WITH THE DEPARTMENT**
2 **UNDER THIS SUBTITLE;**

3 **(2) A VESSEL REQUIRED TO HAVE A VALID NUMBER AWARDED IN**
4 **ACCORDANCE WITH A FEDERAL LAW OR A FEDERALLY APPROVED NUMBERING**
5 **SYSTEM OF ANOTHER STATE; AND**

6 **(3) A VESSEL FROM A FOREIGN COUNTRY USING THE WATERS OF THE**
7 **STATE.**

8 **(B) THE DEPARTMENT MAY SUSPEND FOR A PERIOD NOT EXCEEDING 1**
9 **YEAR THE PRIVILEGE TO OPERATE A VESSEL ON THE WATERS OF THE STATE OF A**
10 **PERSON WHO IS CONVICTED OF OPERATING A VESSEL ON WATERS OF THE STATE**
11 **WHILE UNDER THE INFLUENCE OF ALCOHOL.**

12 **(C) (1) DURING A PERIOD OF SUSPENSION OF A PRIVILEGE TO OPERATE**
13 **A VESSEL ON THE WATERS OF THE STATE, THE PERSON WITH THE IMPOSED**
14 **SUSPENSION MAY NOT OPERATE A VESSEL ON THE WATERS OF THE STATE.**

15 **(2) A SUSPENSION IMPOSED IN ACCORDANCE WITH THIS SECTION IS**
16 **IN ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER THIS SUBTITLE.**

17 **(3) THE DEPARTMENT SHALL INITIATE ANY PROCEEDING TO**
18 **SUSPEND THE PRIVILEGE TO OPERATE A VESSEL ON THE WATERS OF THE STATE**
19 **IMMEDIATELY AFTER THE TIME FOR FILING AN APPEAL OF THE CONVICTION HAS**
20 **PASSED.**

21 **(4) (I) BEFORE THE SUSPENSION OF THE PRIVILEGE TO OPERATE**
22 **A VESSEL ON THE WATERS OF THE STATE UNDER THIS SECTION, THE DEPARTMENT**
23 **SHALL NOTIFY THE PERSON IN WRITING OF THE PERSON'S RIGHT TO A HEARING ON**
24 **REQUEST.**

25 **(II) IF A PERSON SUBMITS A WRITTEN REQUEST FOR A HEARING**
26 **TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE DATE THAT THE NOTICE**
27 **REQUIRED UNDER THIS PARAGRAPH IS MAILED, THE DEPARTMENT SHALL:**

28 **1. HOLD A HEARING AFTER PROVIDING AT LEAST 10**
29 **DAYS' NOTICE TO THE PERSON; AND**

30 **2. CONDUCT THE HEARING IN ACCORDANCE WITH TITLE**
31 **10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

1 **(III) THE DEPARTMENT MAY SUSPEND THE PRIVILEGE TO**
2 **OPERATE A VESSEL ON THE WATERS OF THE STATE WITHOUT A HEARING IF:**

3 **1. THE PERSON DOES NOT SUBMIT A WRITTEN REQUEST**
4 **FOR A HEARING; OR**

5 **2. THE PERSON FAILS TO APPEAR FOR A SCHEDULED**
6 **HEARING FOR WHICH THE DEPARTMENT PROVIDED NOTICE.**

7 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
8 **SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2017.