

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1609 (Delegates Carozza and Otto)
Rules and Executive Nominations

State Boat Act - Vessel Operation - Prohibition When Individual on the Bow,
Gunwale, or Transom

This emergency bill prohibits an individual from operating a vessel on the waters of the State while another individual is riding on or suspended from the vessel's bow, gunwale, or transom in a dangerous manner. An individual who violates the bill's prohibition is guilty of a misdemeanor and subject to a fine of up to \$300. The Department of Natural Resources (DNR) is authorized to adopt regulations to implement the bill.

Fiscal Summary

State Effect: The bill can be implemented with existing resources. The bill's penalty provision is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Current Law: Pursuant to statute, under Title 8, Subtitle 7 (State Boat Act) of the Natural Resources Article, a person is prohibited from operating a vessel recklessly or in a manner that may endanger another or the property of another on a bay, creek, lake, river, or stream in the State. A person who violates the prohibition is guilty of a misdemeanor and subject to (1) for a first conviction, imprisonment for up to 30 days and/or a fine of not less than \$25 and not more than \$200 and (2) for a second or subsequent conviction, imprisonment for up to 60 days and/or a fine of not more than \$500.

Under Title 8, Subtitle 7 of the Natural Resources Article, to which the bill's provisions are added, "vessel" means every description of watercraft, including an ice boat but not including a seaplane, that is used or capable of being used as a means of transportation on water or ice.

DNR regulations also prohibit a person from operating or giving permission to operate any motorboat or any vessel in a reckless or negligent manner to endanger the life, limb, or property of any person.

Background: DNR indicates that the bill clarifies that operating a vessel on the waters of the State while another individual is riding on or suspended from the vessel's bow, gunwale, or transom in a dangerous manner is prohibited. DNR currently interprets such behavior as being included under the current prohibitions against operating a vessel in a reckless or negligent manner. DNR states on its website, together with information on the dangers of propeller strikes, that bow riding is illegal, and provides advice to never allow passengers to ride on the bow, gunwale, transom, seat backs, or other spots where they might fall overboard.

Small Business Effect: To the extent the bill's prohibition is applied to sailboats in a manner that limits the extent to which a person can ride on or be suspended from the bow, gunwale, or transom of a sailboat, various small businesses involved in the sailing industry may be meaningfully impacted due to decreased sailing activity in the State. DNR indicates, however, that it does not interpret reckless and negligent boating, under current law, as including common sailing practices involving riding on or being suspended from the bow, gunwale, or transom of the boat (*e.g.*, hiking out over or using a trapeze on the side of the boat). While the bill does not define "dangerous manner," presumably DNR, in implementing the bill, also does not consider those common sailing practices to consist of riding on or being suspended from the vessel's bow, gunwale, or transom *in a dangerous manner*.

Additional Information

Prior Introductions: None.

Cross File: SB 1147 (Senator Mathias) - Education, Health, and Environmental Affairs and Judicial Proceedings.

Information Source(s): Department of Natural Resources; Judiciary (Administrative Office of the Courts; State's Attorneys' Association; Department of Legislative Services

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