

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 795

(Delegates Malone and McComas)

Environment and Transportation

Natural Resources – State Boat Act – Carbon Monoxide Safety

This bill requires operators and sellers of specified boats – those that are equipped with propelling machinery (whether or not the machinery is the principal source of propulsion) and have enclosed occupancy compartments – to implement certain carbon monoxide safety measures. The bill also assigns responsibilities to the Department of Natural Resources (DNR) related to providing information to boaters and supporting the implementation of the required safety measures.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$110,000 in FY 2019 only. The bill's penalty provision is not anticipated to materially affect State revenues.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	110,000	0	0	0	0
Net Effect	(\$110,000)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Safety Measures Required of “Motorboat” Operators and Sellers

“Motorboat” means any vessel equipped with propelling machinery, whether or not the machinery is the principal source of propulsion.

The bill prohibits a person from operating on the waters of the State any motorboat with an “*enclosed accommodation compartment*” unless the motorboat is equipped with a functioning marine carbon monoxide detection system installed according to the manufacturer’s instructions. In addition, a person may not sell or offer for sale within the State any new motorboat with an enclosed accommodation compartment unless the motorboat is equipped with a functioning marine carbon monoxide detection system installed according to the manufacturer’s instructions.

“*Enclosed accommodation compartment*” means a contiguous enclosed space, surrounded by boat structure, that contains (1) designated sleeping accommodations; (2) a galley area with sink; and (3) a head compartment. An enclosed accommodation compartment also meets the definition of an “*enclosed occupancy compartment*” (discussed below).

The bill also prohibits a person from operating on the waters of the State a gasoline-powered motorboat with an “*enclosed occupancy compartment*” unless carbon monoxide warning labels have been affixed (1) near the aft reboarding or stern area; (2) near the steering station; and (3) at or in the entrance to any enclosed occupancy compartment. In addition, before a dealer sells a gasoline-powered motorboat with an enclosed occupancy compartment within the State, the dealer must ensure that carbon monoxide warning labels have been affixed to the motorboat in the same manner.

“*Enclosed occupancy compartment*” means a contiguous enclosed space, surrounded by boat structure, that may be occupied by an individual. “*Enclosed occupancy compartment*” includes an enclosed accommodation compartment.

A person who violates any of these provisions is subject to a warning, for a first violation, and a civil penalty of up to \$1,000 for a second or subsequent violation.

Specific definitions for “*dealer*,” “*vessel*,” “*waters of the State*,” “*carbon monoxide warning label*,” and “*marine carbon monoxide detection system*” are included in the bill.

DNR's Responsibilities

DNR must require that a course of instruction in boating safety education include information on (1) the danger of being overcome by carbon monoxide poisoning while on or behind a motorboat and (2) strategies to prevent carbon monoxide poisoning while boating. DNR must also develop an informational brochure on the dangers of carbon monoxide poisoning while boating and make it, along with carbon monoxide warning labels and information on the bill's requirements, available to the public at the department's regional service centers. DNR is authorized to adopt regulations to implement specified provisions of the bill.

By December 1, 2018, DNR must mail carbon monoxide warning labels and information on the bill's requirements to each owner of a vessel over 16 feet in length for which a certificate of number has been issued. By December 1, 2019, DNR must report to the General Assembly on:

- any issues relating to the implementation of the bill;
- any changes to marine manufacturing industry standards relating to carbon monoxide;
- the availability of plug-in or battery-powered marine certified carbon monoxide detectors; and
- best practices in preventing carbon monoxide poisoning relating to motorboat operation, including the feasibility of requiring carbon monoxide detectors that are more sensitive in measuring carbon monoxide than required in the bill.

Current Law: Under the State Boat Act, DNR's responsibilities include promoting the safety of life and property through an educational program directed to boat owners, boat operators, and others concerning the inherent hazards to vessels and people on the waters, including precautions to be observed, and emergency action. The department must coordinate a statewide program of boating safety instruction and certification and ensure that a course of boating safety education is available within each county. With certain exceptions, a person born on or after July 1, 1972 must have in their possession a certificate of boating safety education while operating a numbered vessel for pleasure on waters of the State (with certain exceptions, any vessel equipped with propulsion machinery of any type on the waters of the State must be numbered for identification). DNR is also required to adopt regulations governing safety equipment on vessels.

Background: A DNR informational booklet for recreational boaters indicates that carbon monoxide is a potentially deadly gas produced any time a carbon-based fuel, such as gasoline, propane, charcoal, or oil, burns. Sources of carbon monoxide on a boat can include gasoline engines and generators, cooking ranges, space heaters, and water heaters.

Carbon monoxide detection systems and warning labels are not currently among the safety equipment required by DNR to be on recreational motorboats in Maryland. DNR's boating safety education course, however, incorporates information on the dangers of carbon monoxide poisoning and prevention strategies.

The bill's language is similar to a law enacted in Minnesota in 2016.

Maryland requires carbon monoxide detection systems (or alarms) to be installed in new dwellings, newly constructed and substantially remodeled school buildings, and hotels and lodging/rooming houses, that are at risk of carbon monoxide emissions because of the use of fossil fuel burning devices or having unventilated, attached garages. Similar requirements will apply to rental dwellings beginning April 1, 2018.

State Expenditures: General fund expenditures increase by approximately \$110,000 in fiscal 2019 only for DNR to produce and mail the informational brochures (which will include information both on the dangers of carbon monoxide poisoning and on the bill's requirements) and carbon monoxide warning labels to each owner of a numbered vessel over 16 feet in length. This estimate (1) is based on costs incurred by the Minnesota Department of Natural Resources to implement a similar mailing requirement and (2) assumes the mailings are sent to 133,000 boat owners (the approximate number of boat owners to which DNR expects the mailing requirement applies).

DNR can absorb the cost of providing informational brochures and carbon monoxide warning labels at its regional services centers within existing budgeted resources. The bill's reporting requirement can also be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: SB 46 (Senator Reilly) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources; Minnesota Department of Natural Resources; Marine Trades Association of Maryland; Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2018
md/lgc

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