

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 123

(Senator Simonaire)

Judicial Proceedings

Judiciary

Boating Accidents - Duty to Stop at the Scene, Render Assistance, and Provide
Information - Penalties

This bill requires the operator of a vessel involved in a collision, accident, or other casualty that results in *bodily injury* to or the *death* of another person to immediately stop the vessel as close as possible to the scene of the collision, accident, or casualty for the operator to comply with existing statutory requirements to render assistance and provide specified information. The bill establishes criminal penalties for failure to stop as required and establishes a specific criminal penalty for failure to comply with the existing duty to render aid and provide identifying information at the scene of a boating accident.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations.

Local Effect: The bill is not expected to materially affect local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: The operator of a vessel involved in a collision, accident, or other casualty that results in *bodily injury* to another person must immediately stop the vessel as close as possible to the scene of the collision, accident, or other casualty to comply with existing statutory requirements to render assistance and provide identifying information at the scene of a boating accident. Violators are guilty of a misdemeanor punishable by imprisonment for up to one year and/or a \$3,000 maximum fine. However, a person is guilty of a felony punishable by imprisonment for up to five years and/or a \$5,000 maximum fine if the person (1) failed to stop as required; (2) knew or reasonably should have known that the event might result in “*serious bodily injury*” to another person; and (3) *serious bodily injury* actually occurred to another person. “*Serious bodily injury*” means an injury that creates a

substantial risk of death or causes serious permanent or serious protracted (1) disfigurement; (2) loss of the function of any body part, organ, or mental faculty; or (3) impairment of the function of any body part or organ.

The operator of a vessel involved in a collision, accident, or other casualty that results in the *death* of another person must immediately stop as close as possible to the scene of the collision, accident, or casualty to comply with the existing statutory requirements to render assistance and provide identifying information at the scene of a boating accident. Violators are guilty of a misdemeanor punishable by imprisonment for up to 5 years and/or a \$5,000 maximum fine. However, a person is guilty of a felony punishable by imprisonment for up to 10 years and/or a \$10,000 maximum fine if the person (1) failed to stop as required; (2) knew or reasonably should have known that the event might result in the *death* of another person; and (3) *death* actually occurred to another person.

The bill also establishes a specific criminal penalty for a violation of the existing statutory requirement that the operator of a vessel involved in an accident, collision, or other casualty (1) render all practical and necessary assistance to affected persons, as specified and (2) give specified identifying information to any person injured and to the owner of any property damaged. Under the bill, a person who fails to comply with this requirement is guilty of a misdemeanor punishable by imprisonment for up to two months and/or a \$500 maximum fine.

Current Law:

State Boat Act – Boating Accidents

In addition to any other duties imposed by law, the operator of a vessel involved in a collision, accident, or other casualty must render all practical and necessary assistance to affected persons in order to save the persons from danger caused by the accident to the extent that the operator can do so without serious danger to the operator's own vessel or persons aboard. The operator must also give their name, their address, and identification of the vessel to any person injured and to the owner of any property damaged. A person who complies with this requirement or who gratuitously and in good faith renders (or attempts to render) assistance to any vessel in distress on any water of the State without objection from an assisted person, is not liable for any civil damage as the result of any act or omission by the person in rendering assistance unless the act or omission amounts to gross negligence.

The operator of a specified vessel (or in limited circumstances the vessel owner) must report to the Department of Natural Resources (DNR) a full description of specified accidents, including any information DNR requires by regulation, as follows:

- if the accident occurred on State waters and caused the death or disappearance of any person or a person to receive medical treatment beyond first aid, the report must be made within 48 hours;
- if the accident occurred on State waters and results in any other injury or property damage of at least \$2,000, the report must be made within 10 days; and
- if any vessel numbered in the State is involved in an accident outside of State waters and the accident results in the death, disappearance, or injury of a person or in property damage of at least \$2,000, the report must be made within 30 days.

The specified reports may not be referred to during any judicial proceeding and are not subject to subpoena or admissible as evidence in any proceeding. However, information contained in a boating accident report and any statistical information based on the report may be provided to the U.S. Coast Guard on request for official purposes.

Applicable Penalties

Unless another penalty is specifically provided elsewhere, any person who violates any provision of the State Boat Act is guilty of a misdemeanor and is subject to a maximum penalty of (1) for a first conviction, a \$500 fine or (2) for a second or subsequent conviction within two years of any prior violation of the State Boat Act, one year imprisonment and/or a \$1,000 fine. In either instance, costs are imposed in the discretion of the court.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 585 of 2024.

Designated Cross File: HB 676 (Delegate Schmidt, *et al.*) - Judiciary.

Information Source(s): Baltimore and Garrett counties; Maryland Association of Counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History:

rh/aad

First Reader - January 15, 2025

Third Reader - March 21, 2025

Revised - Amendment(s) - March 21, 2025

Revised - Clarification - March 21, 2025

Enrolled - May 1, 2025

Revised - Amendment(s) - May 1, 2025

Analysis by: Ralph W. Kettell

Direct Inquiries to:

(410) 946-5510

(301) 970-5510