

SENATE BILL 92

M1

EMERGENCY BILL
(PRE-FILED)

0lr0011

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)**

Requested: October 5, 2009

Introduced and read first time: January 13, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources – Boating Safety Requirements**

3 FOR the purpose of altering a certain definition to make the prohibition on a person
4 from operating a vessel unless certain individuals are wearing a personal
5 flotation device apply based solely on the age of the individuals; altering the
6 required age for a child to wear a personal flotation device; requiring
7 individuals under a certain age to ~~obtain~~ possess a certain certificate of boating
8 safety education ~~under certain circumstances and~~ or comply with certain other
9 requirements under certain circumstances; clarifying language; making this Act
10 an emergency measure; providing for the effective date of certain provisions of
11 this Act; and generally relating to boating safety requirements.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 8–712.2(a) and 8–743
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2009 Supplement)

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

19 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 8-712.2.

2 (a) (1) Except as otherwise provided in paragraphs (3) ~~and (4)~~, **(4), AND**
3 **(5)** of this subsection, [on or after July 1, 1988] a person born on or after July 1, 1972
4 may not operate on the waters of the State a vessel for pleasure that is required to be
5 numbered in accordance with this subtitle or a vessel for pleasure that is required to
6 be numbered in accordance with the Federal Boat Safety Act of 1971 without first
7 obtaining a certificate of boating safety education.

8 (2) A person who is subject to the provisions of paragraph (1) of this
9 subsection shall:

10 (i) Possess the certificate of boating safety education when
11 operating a vessel on waters of the State; and

12 (ii) Show the certificate on the demand of a Natural Resources
13 police officer or other law enforcement officer.

14 (3) The following persons are exempt from the requirements of this
15 section:

16 (i) A person who is operating a vessel in connection with
17 commercial purposes;

18 (ii) A person who is a resident of another state and who is
19 visiting the State for 60 days or less in a vessel that is numbered in another state if:

20 1. The person is 16 years old or older; or

21 2. The person has been issued a boating safety
22 certificate in accordance with the provisions of subsection (c)(6) of this section;

23 (iii) A person who is visiting the State for 90 days or less in a
24 vessel from a country other than the United States;

25 (iv) A person operating a vessel on a body of water located on
26 private property; and

27 (v) Any other person exempted by regulation of the
28 Department.

29 (4) When a vessel numbered in accordance with this subtitle or in
30 accordance with the Federal Boat Safety Act of 1971 is operated for pleasure on waters
31 of the State, at least 1 person on the vessel must:

32 (i) Possess the certificate of boating safety education; or

1 (ii) Be exempt from the certification requirements of paragraph
2 (1) of this subsection.

3 (5) A PERSON WHO IS UNDER THE AGE OF 16 AND WHO OPERATES
4 A VESSEL NUMBERED IN ACCORDANCE WITH THIS SUBTITLE OR IN
5 ACCORDANCE WITH THE FEDERAL BOAT SAFETY ACT OF 1971 MUST:

6 (i) POSSESS A CERTIFICATE OF BOATING SAFETY
7 EDUCATION;

8 (ii) 1. ~~BE~~ IF OPERATING A VESSEL UNDER 11 FEET IN
9 LENGTH, BE UNDER THE SUPERVISION OF A PERSON WHO HAS OBTAINED A
10 CERTIFICATE OF BOATING SAFETY EDUCATION AND IS ABOARD THE VESSEL; OR

11 2. IF OPERATING A VESSEL 11 FEET IN LENGTH OR
12 GREATER, BE UNDER THE SUPERVISION OF A PERSON WHO IS 18 YEARS OR
13 OLDER AND HAS OBTAINED A CERTIFICATE OF BOATING SAFETY EDUCATION
14 AND IS ABOARD THE VESSEL; OR

15 (iii) BE UNDER THE SUPERVISION OF A PERSON WHO WAS
16 BORN BEFORE JULY 1, 1972 AND IS ABOARD THE VESSEL.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
18 read as follows:

19 **Article – Natural Resources**

20 8–743.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Child” means an individual who[:

23 (i) Is] IS under the age of [7] 13 years[, regardless of the
24 individual’s weight; or

25 (ii) Weighs 50 pounds or less, regardless of the individual’s age].

26 (3) “Personal flotation device” means a Type I, II, III, or V U.S. Coast
27 Guard approved personal flotation device that is:

28 (i) The proper size for the child; and

29 (ii) In good and serviceable condition.

30 (4) (i) “Vessel” means:

- 1 1. A vessel used for recreational purposes; or
2 2. A vessel leased, rented, or chartered for
3 noncommercial use.

4 (ii) “Vessel” does not include a vessel carrying passengers for
5 hire under the command of an individual licensed by the U.S. Coast Guard to carry
6 passengers for hire, or a vessel displaying a valid seafood harvester’s license number
7 while engaged in the harvesting of seafood for sale.

8 (b) (1) A person may not operate or permit the operation of a vessel under
9 21 feet in length while there is present in the vessel a child not wearing a personal
10 flotation device which is securely and properly attached to the child.

11 (2) If the child is under the age of 4 years, the personal flotation device
12 shall feature additional safety precautions, as appropriate for an infant, toddler, or
13 young child, so as to:

14 (i) Hold the child securely within the personal flotation device,
15 including a strap that is secured between the child’s legs to fasten together the front
16 and back of the personal flotation device;

17 (ii) Maintain the buoyancy of the child, including an inflatable
18 headrest or high collar; and

19 (iii) Ensure the ready accessibility of the child from the vessel,
20 including a web handle.

21 (c) Subsection (b) does not apply to:

22 (1) A vessel that is moored or anchored; or

23 (2) A child who is below deck or in an enclosed cabin.

24 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
25 take effect October 1, 2010.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
27 measure, is necessary for the immediate preservation of the public health or safety,
28 has been passed by a ye and nay vote supported by three-fifths of all the members
29 elected to each of the two Houses of the General Assembly and, except as provided in
30 Section 3 of this Act, shall take effect from the date it is enacted.