

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 92

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Natural Resources)

Education, Health, and Environmental Affairs

Environmental Matters

**Department of Natural Resources - Boating Safety Requirements**

This departmental bill requires individuals younger than age 16 who operate a vessel to (1) possess a certificate of boating safety education; (2) be under the supervision of a person who was born before July 1, 1972, and is aboard the vessel; or (3) be under the supervision of a person who has obtained a certificate of boating safety education and is aboard the vessel – if the vessel is 11 feet or longer, the person who is supervising has to be at least 18 years old. The bill establishes new requirements relating to the use of personal flotation devices (PFDs) by children on recreational vessels. Specifically, it deletes weight requirements and modifies the definition of “child” from individuals younger than age 7 to individuals younger than age 13, effectively requiring individuals younger than age 13 to wear a PFD on vessels shorter than 21 feet.

The bill’s provisions concerning PFDs take effect on an emergency basis.

**Fiscal Summary**

**State Effect:** The bill’s changes can be handled with existing budgeted resources.

**Local Effect:** While local governments with marine enforcement units will be required to enforce the new requirements, the bill is not expected to have a significant impact on local operations or finances.

**Small Business Effect:** The Department of Natural Resources (DNR) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

## Analysis

**Current Law:** Individuals born after July 1, 1972, must obtain a certificate of boating safety education prior to operating specified vessels for pleasure. Several types of individuals are exempt from this requirement, including individuals operating vessels for commercial purposes or on private property; specified residents of other states; and specified international visitors. At least one person on specified vessels must either possess a certificate of boating safety education or be exempt from the certification requirements.

A “vessel” is a vessel used for recreational purposes or leased, rented, or chartered for noncommercial use. It does not include a vessel carrying passengers for hire under the command of an individual licensed by the U.S. Coast Guard (USCG) to carry passengers for hire, or a vessel displaying a valid seafood harvester’s license number while engaged in the harvesting of seafood for sale.

A “PFD” is a Type I, II, III, or V USCG-approved PFD that is the proper size for the child and in good and serviceable condition.

Individuals may not operate or permit the operation of a vessel shorter than 21 feet if a child is aboard, unless the child is wearing a securely and properly attached PFD. A “child” is an individual who either is younger than age seven, regardless of the individual’s weight, or weighs 50 pounds or less, regardless of age. The prohibition does not apply to a vessel that is moored or anchored or to a child who is below deck or in an enclosed cabin. Children younger than age four must wear PFDs with specified safety features.

**Background:** In Maryland, there were 17 boating fatalities in 2009. According to DNR, approximately 90% of boating fatalities involve individuals who were not wearing PFDs.

Currently, a youth younger than age 16 with a safety education certificate may supervise another youth – who lacks a certificate – operating the vessel. There have been incidents in which unattended minors, with and without certificates, have allowed other minors with no boating knowledge to operate a vessel on Maryland waters. DNR advises the bill will make Maryland’s waterways safer by ensuring that either a trained individual is operating the vessel or adult supervision exists while a vessel is operated by a minor.

Several organizations endorse the mandatory use of PFDs by children. Most states have enacted mandatory PFD-use laws for children. Federal regulations effective in 2002 require that individuals aboard recreational vessels, and not below deck or in an enclosed cabin, wear PFDs if they are younger than age 13. However, if a state has a statute setting forth PFD requirements for children, then that requirement applies on the waters

subject to the state's jurisdiction. Therefore, State law, rather than federal law, is applicable in Maryland. DNR advises that 34 states – including Delaware, Pennsylvania, and West Virginia – and the District of Columbia require children younger than age 13 to wear PFDs when aboard a recreational vessel under 21 feet in length.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Code of Federal Regulations, Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2010  
ncs/lgc Revised - Senate Third Reader - April 5, 2010

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Natural Resources – Boating Safety Requirements

BILL NUMBER: SB 92

PREPARED BY: Department of Natural Resources

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.