

HOUSE BILL 795

M1

8lr2059
CF SB 46

By: **Delegates Malone and McComas**

Introduced and read first time: February 1, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – State Boat Act – Carbon Monoxide Safety**

3 FOR the purpose of requiring the Department of Natural Resources to require that a course
4 of instruction in boating safety education include certain information relating to
5 carbon monoxide poisoning; prohibiting a person from operating a certain motorboat
6 on the waters of the State unless it is equipped with a certain marine carbon
7 monoxide detection system; prohibiting a person from selling or offering for sale a
8 certain motorboat within the State unless it is equipped with a certain marine carbon
9 monoxide detection system; prohibiting a person from operating a certain
10 gasoline-powered motorboat on the waters of the State unless certain warning labels
11 have been affixed to certain areas; requiring a dealer to ensure that certain warning
12 labels have been affixed to a certain gasoline-powered motorboat in accordance with
13 certain provisions of this Act before the dealer sells the motorboat within the State;
14 establishing certain penalties; requiring the Department to develop a certain
15 informational brochure and to make certain items and information available to the
16 public at the Department's regional service centers; authorizing the Department to
17 adopt certain regulations; requiring the Department to mail certain information and
18 warning labels to certain vessel owners on or before a certain date; requiring the
19 Department to report to the General Assembly on or before a certain date; defining
20 certain terms; and generally relating to carbon monoxide dangers associated with
21 boating.

22 BY repealing and reenacting, without amendments,
23 Article – Natural Resources
24 Section 8–701(a), (c), (h), (s), and (t)
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2017 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Natural Resources
29 Section 8–712.2(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2017 Supplement)

3 BY adding to
4 Article – Natural Resources
5 Section 8–745
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2017 Supplement)

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

10 **Article – Natural Resources**

11 8–701.

12 (a) In this subtitle the following words have the meanings indicated.

13 (c) (1) “Dealer” means any person who:

14 (i) Engages in whole or in part in the business of buying, selling, or
15 exchanging new and unused vessels or used vessels, or both, either outright or on
16 conditional sale, bailment, lease, chattel mortgage, or otherwise; and

17 (ii) Has an established place of business for sale, trade, and display
18 of vessels.

19 (2) “Dealer” includes:

20 (i) A yacht broker; and

21 (ii) A holder of a lien created under Title 16, Subtitle 2 of the
22 Commercial Law Article who sells the vessel pursuant to that title, including an auctioneer
23 and a company commonly known as a lien and recovery company.

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

26 (s) (1) “Vessel” means every description of watercraft, including an ice boat
27 but not including a seaplane, that is used or capable of being used as a means of
28 transportation on water or ice.

29 (2) “Vessel” includes the motor, spars, sails, and accessories of a vessel.

30 (t) “Waters of the State” means any water within the jurisdiction of the State, the
31 marginal sea adjacent to the State, and the high seas when navigated as part of a ride or
32 journey to or from the shore of the State.

1 8-712.2.

2 (b) (1) The Department shall:

3 (i) **[Adopt] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION,**
4 **ADOPT** regulations that establish criteria for a course of instruction in boating safety
5 education;

6 (ii) Administer a verbal test when appropriate;

7 (iii) Coordinate a statewide program of boating safety instruction and
8 certification and ensure that a course of boating safety education is available within each
9 county; and

10 (iv) Ensure that a course of boating safety education is available at
11 the earliest practicable age for children in boating communities.

12 (2) Any course of boating safety education that is offered through a public
13 school is not required to be more than 6 classes, or exceed a total of 8 hours.

14 (3) The following persons may offer the course of instruction in boating
15 safety education if approved by the Department:

16 (i) The Department;

17 (ii) The U.S. Coast Guard Auxiliary;

18 (iii) The U.S. Power Squadron;

19 (iv) A political subdivision;

20 (v) A municipal corporation;

21 (vi) An agency;

22 (vii) A public or nonpublic school;

23 (viii) A group;

24 (ix) A firm;

25 (x) An association; or

26 (xi) Any other person.

27 **(4) THE DEPARTMENT SHALL REQUIRE THAT A COURSE OF**

1 INSTRUCTION IN BOATING SAFETY EDUCATION INCLUDE INFORMATION ON:

2 (I) THE DANGER OF BEING OVERCOME BY CARBON MONOXIDE
3 POISONING WHILE ON OR BEHIND A MOTORBOAT; AND

4 (II) STRATEGIES TO PREVENT CARBON MONOXIDE POISONING
5 WHILE BOATING.

6 8-745.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) "CARBON MONOXIDE WARNING LABEL" MEANS A LABEL THAT
10 CONTAINS INFORMATION ABOUT THE DANGERS OF CARBON MONOXIDE THAT HAS
11 BEEN PRODUCED OR APPROVED BY:

12 (I) THE AMERICAN BOAT AND YACHT COUNCIL;

13 (II) THE NATIONAL MARINE MANUFACTURERS ASSOCIATION;
14 OR

15 (III) THE DEPARTMENT.

16 (3) "ENCLOSED ACCOMMODATION COMPARTMENT" MEANS A
17 CONTIGUOUS ENCLOSED SPACE, SURROUNDED BY BOAT STRUCTURE, THAT
18 CONTAINS:

19 (I) DESIGNATED SLEEPING ACCOMMODATIONS;

20 (II) A GALLEY AREA WITH SINK; AND

21 (III) A HEAD COMPARTMENT.

22 (4) (I) "ENCLOSED OCCUPANCY COMPARTMENT" MEANS A
23 CONTIGUOUS ENCLOSED SPACE, SURROUNDED BY BOAT STRUCTURE, THAT MAY BE
24 OCCUPIED BY AN INDIVIDUAL.

25 (II) "ENCLOSED OCCUPANCY COMPARTMENT" INCLUDES AN
26 ENCLOSED ACCOMMODATION COMPARTMENT.

27 (5) "MARINE CARBON MONOXIDE DETECTION SYSTEM" MEANS A
28 DEVICE OR SYSTEM THAT MEETS THE REQUIREMENTS OF THE AMERICAN BOAT AND

1 YACHT COUNCIL STANDARD A-24, JULY, 2015, FOR CARBON MONOXIDE
2 DETECTION SYSTEMS.

3 (B) (1) A PERSON MAY NOT OPERATE ON THE WATERS OF THE STATE ANY
4 MOTORBOAT WITH AN ENCLOSED ACCOMMODATION COMPARTMENT UNLESS THE
5 MOTORBOAT IS EQUIPPED WITH A FUNCTIONING MARINE CARBON MONOXIDE
6 DETECTION SYSTEM INSTALLED ACCORDING TO THE MANUFACTURER'S
7 INSTRUCTIONS.

8 (2) A PERSON MAY NOT SELL OR OFFER FOR SALE WITHIN THE STATE
9 ANY NEW MOTORBOAT WITH AN ENCLOSED ACCOMMODATION COMPARTMENT
10 UNLESS THE MOTORBOAT IS EQUIPPED WITH A FUNCTIONING MARINE CARBON
11 MONOXIDE DETECTION SYSTEM INSTALLED ACCORDING TO THE MANUFACTURER'S
12 INSTRUCTIONS.

13 (C) (1) A PERSON MAY NOT OPERATE ON THE WATERS OF THE STATE A
14 GASOLINE-POWERED MOTORBOAT WITH AN ENCLOSED OCCUPANCY COMPARTMENT
15 UNLESS CARBON MONOXIDE WARNING LABELS HAVE BEEN AFFIXED:

16 (I) NEAR THE AFT REBOARDING OR STERN AREA;

17 (II) NEAR THE STEERING STATION; AND

18 (III) AT OR IN THE ENTRANCE TO ANY ENCLOSED OCCUPANCY
19 COMPARTMENT.

20 (2) BEFORE A DEALER SELLS A GASOLINE-POWERED MOTORBOAT
21 WITH AN ENCLOSED OCCUPANCY COMPARTMENT WITHIN THE STATE, THE DEALER
22 SHALL ENSURE THAT CARBON MONOXIDE WARNING LABELS HAVE BEEN AFFIXED TO
23 THE MOTORBOAT IN ACCORDANCE WITH THIS SUBSECTION.

24 (D) A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS SUBJECT
25 TO:

26 (1) FOR A FIRST VIOLATION, ONLY A WARNING; AND

27 (2) FOR A SECOND OR SUBSEQUENT VIOLATION, A CIVIL PENALTY
28 NOT EXCEEDING \$1,000.

29 (E) (1) THE DEPARTMENT SHALL:

30 (I) DEVELOP AN INFORMATIONAL BROCHURE ON THE
31 DANGERS OF CARBON MONOXIDE POISONING WHILE BOATING; AND

1 **(II) MAKE AVAILABLE TO THE PUBLIC AT THE DEPARTMENT'S**
2 **REGIONAL SERVICE CENTERS:**

3 **1. THE BROCHURE DESCRIBED IN ITEM (I) OF THIS**
4 **PARAGRAPH;**

5 **2. CARBON MONOXIDE WARNING LABELS; AND**

6 **3. INFORMATION ON THE REQUIREMENTS OF THIS**
7 **SECTION.**

8 **(2) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE**
9 **PROVISIONS OF THIS SECTION.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
11 2018, the Department of Natural Resources shall mail carbon monoxide warning labels and
12 information on the requirements of this Act to each owner of a vessel over 16 feet in length
13 for which a certificate of number has been issued under § 8–712 of the Natural Resources
14 Article.

15 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1,
16 2019, the Department of Natural Resources shall report to the General Assembly, in
17 accordance with § 2–1246 of the State Government Article, on:

18 (1) any issues relating to the implementation of this Act;

19 (2) any changes to marine manufacturing industry standards relating to
20 carbon monoxide;

21 (3) the availability of plug-in or battery-powered marine certified carbon
22 monoxide detectors; and

23 (4) best practices in preventing carbon monoxide poisoning relating to
24 motorboat operation, including the feasibility of requiring carbon monoxide detectors that
25 are more sensitive in measuring carbon monoxide than required in this Act.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.