

SENATE BILL 1080

M1

7lr3668

By: **Senator Simonaire**

Introduced and read first time: February 15, 2017

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2017

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Boat Act – Privilege to Operate a Vessel – Suspension Authority**

3 FOR the purpose of authorizing the Department of Natural Resources, in addition to
4 certain other applicable penalties, to suspend for up to a certain period of time the
5 privilege to operate a vessel on the waters of the State of a person who is convicted
6 of a certain violation; prohibiting a person from operating a vessel on the waters of
7 the State during a period of suspension of the privilege to operate a vessel on the
8 waters of the State; establishing certain timing and hearing requirements before the
9 suspension of the privilege to operate a vessel on the waters of the State; authorizing
10 the Department to suspend the privilege to operate a vessel on the waters of the
11 State without a hearing under certain circumstances; requiring the Department to
12 adopt certain regulations; providing for the application of this Act; making this Act
13 subject to a certain contingency; and generally relating to the suspension of a
14 privilege to operate a vessel on the waters of the State.

15 BY adding to
16 Article – Natural Resources
17 Section 8–738.3
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2016 Supplement)

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

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.



Article – Natural Resources**8-738.3.****(A) THIS SECTION APPLIES TO:**

(1) A VESSEL REQUIRED TO BE REGISTERED WITH THE DEPARTMENT UNDER THIS SUBTITLE;

(2) A VESSEL REQUIRED TO HAVE A VALID NUMBER AWARDED IN ACCORDANCE WITH A FEDERAL LAW OR A FEDERALLY APPROVED NUMBERING SYSTEM OF ANOTHER STATE; AND

(3) A VESSEL FROM A FOREIGN COUNTRY USING THE WATERS OF THE STATE.

(B) THE DEPARTMENT MAY SUSPEND FOR A PERIOD NOT EXCEEDING 1 YEAR THE PRIVILEGE TO OPERATE A VESSEL ON THE WATERS OF THE STATE OF A PERSON WHO IS CONVICTED OF OPERATING A VESSEL ON WATERS OF THE STATE WHILE UNDER THE INFLUENCE OF ALCOHOL.

(C) (1) DURING A PERIOD OF SUSPENSION OF A PRIVILEGE TO OPERATE A VESSEL ON THE WATERS OF THE STATE, THE PERSON WITH THE IMPOSED SUSPENSION MAY NOT OPERATE A VESSEL ON THE WATERS OF THE STATE.

(2) A SUSPENSION IMPOSED IN ACCORDANCE WITH THIS SECTION IS IN ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER THIS SUBTITLE.

(3) THE DEPARTMENT SHALL INITIATE ANY PROCEEDING TO SUSPEND THE PRIVILEGE TO OPERATE A VESSEL ON THE WATERS OF THE STATE IMMEDIATELY AFTER THE TIME FOR FILING AN APPEAL OF THE CONVICTION HAS PASSED.

(4) (I) BEFORE THE SUSPENSION OF THE PRIVILEGE TO OPERATE A VESSEL ON THE WATERS OF THE STATE UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE PERSON IN WRITING OF THE PERSON'S RIGHT TO A HEARING ON REQUEST.

(II) IF A PERSON SUBMITS A WRITTEN REQUEST FOR A HEARING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE DATE THAT THE NOTICE REQUIRED UNDER THIS PARAGRAPH IS MAILED, THE DEPARTMENT SHALL:

1. HOLD A HEARING AFTER PROVIDING AT LEAST 10 DAYS' NOTICE TO THE PERSON; AND

1 2. CONDUCT THE HEARING IN ACCORDANCE WITH TITLE
2 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

3 (III) THE DEPARTMENT MAY SUSPEND THE PRIVILEGE TO
4 OPERATE A VESSEL ON THE WATERS OF THE STATE WITHOUT A HEARING IF:

5 1. THE PERSON DOES NOT SUBMIT A WRITTEN REQUEST
6 FOR A HEARING; OR

7 2. THE PERSON FAILS TO APPEAR FOR A SCHEDULED
8 HEARING FOR WHICH THE DEPARTMENT PROVIDED NOTICE.

9 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
10 SECTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
12 effect contingent on:

13 (1) the taking effect of Chapter (S.B. 81)(7lr0848) of the Acts of the
14 General Assembly of 2017; and

15 (2) the State of Maryland entering into the Interstate Boating Violator
16 Compact authorized under Chapter (S.B. 81)(7lr0848) of the Acts of the General
17 Assembly of 2017.

18 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Natural
19 Resources shall notify the Department of Legislative Services within 5 days of the State of
20 Maryland entering into the Interstate Boating Violator Compact. If notice of entering into
21 the compact is not received by the Department of Legislative Services on or before October
22 1, 2020, this Act shall be null and void without the necessity of further action by the General
23 Assembly.

24 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That, subject to Sections 2 and
25 3 of this Act, this Act shall take effect October 1, 2017.