

SENATE BILL 123

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6lr0567
CF 6lr0586

By: **Senator Simonaire**

Introduced and read first time: January 15, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Interstate Boating Violator Compact**

3 FOR the purpose of authorizing the Governor to enter into the Interstate Boating Violator
4 Compact; providing for the purposes of the Compact; providing for procedures for
5 states issuing citations for boating violations to certain persons residing in party
6 states; providing for procedures for home states for certain persons receiving certain
7 citations; providing for the reciprocal recognition of suspension of certain privileges
8 or licenses under certain circumstances; providing for the application of other laws
9 relating to certain watercraft operating privileges or licenses; providing for a Board
10 of Boating Compact Administrators for certain purposes; providing for the entry into
11 and withdrawal from the Compact; providing for amendments to the Compact;
12 providing for the severability of provisions of the Compact; requiring the Secretary
13 of Natural Resources to appoint a Boating Compact Administrator; requiring the
14 Boating Compact Administrator to serve at the pleasure of the Secretary; requiring
15 the Department of Natural Resources to take certain actions under certain
16 circumstances in accordance with this Act; requiring the Department to adopt
17 certain regulations; defining certain terms; and generally relating to interstate
18 enforcement of boating violations.

19 BY adding to

20 Article – Natural Resources

21 Section 8–801 through 8–804 to be under the new subtitle “Subtitle 8. Interstate
22 Boating Violator Compact”

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2015 Supplement)

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

3 **Article – Natural Resources**

4 **SUBTITLE 8. INTERSTATE BOATING VIOLATOR COMPACT.**

5 **8–801.**

6 **THE GENERAL ASSEMBLY HEREBY APPROVES AND THE GOVERNOR IS**
7 **AUTHORIZED TO ENTER INTO A COMPACT ON BEHALF OF THIS STATE WITH ANY**
8 **OTHER STATE OR STATES IN A FORM SUBSTANTIALLY AS FOLLOWS:**

9 **ARTICLE I**

10 **FINDINGS, DECLARATION OF POLICY, AND PURPOSE**

11 **(A) THE PARTY STATES FIND THAT:**

12 **(1) BOATING ACTIVITIES ON PUBLIC WATERS ARE MANAGED BY THE**
13 **RESPECTIVE STATES FOR THE BENEFIT OF ALL RESIDENTS AND VISITORS;**

14 **(2) THE BENEFITS OF BOATING ACTIVITIES ON PUBLIC WATERS CAN**
15 **BE MATERIALLY AFFECTED BY THE DEGREE OF COMPLIANCE WITH STATE STATUTE,**
16 **LAW, REGULATION, ORDINANCE, OR ADMINISTRATIVE RULE RELATING TO THE**
17 **MANAGEMENT OF THOSE ACTIVITIES;**

18 **(3) THE MANAGEMENT OF BOATING ACTIVITIES ON PUBLIC WATERS**
19 **CONTRIBUTES IMMEASURABLY TO THE AESTHETIC, RECREATIONAL, AND ECONOMIC**
20 **ASPECTS OF THE RESPECTIVE STATES;**

21 **(4) BOATING ACTIVITIES ON PUBLIC WATERS ARE VALUABLE**
22 **WITHOUT REGARD TO POLITICAL BOUNDARIES;**

23 **(5) ALL PERSONS SHOULD BE REQUIRED TO COMPLY WITH BOATING**
24 **LAWS, ORDINANCES, AND ADMINISTRATIVE RULES AND REGULATIONS OF ALL PARTY**
25 **STATES AS A CONDITION PRECEDENT TO THE PRIVILEGE OF OPERATING**
26 **WATERCRAFT ON PUBLIC WATERS;**

27 **(6) VIOLATION OF BOATING LAWS INTERFERES WITH THE**
28 **MANAGEMENT OF BOATING ACTIVITIES ON PUBLIC WATERS AND MAY ENDANGER**
29 **THE SAFETY OF PERSONS AND PROPERTY;**

1 **(7) THE MOBILITY OF MANY BOATING LAW VIOLATORS NECESSITATES**
2 **THE MAINTENANCE OF CHANNELS OF COMMUNICATION AMONG THE RESPECTIVE**
3 **STATES;**

4 **(8) IN MOST INSTANCES, A PERSON WHO IS CITED FOR A BOATING**
5 **VIOLATION IN A STATE OTHER THAN THE PERSON'S HOME STATE:**

6 **(I) MUST POST COLLATERAL OR BOND TO SECURE**
7 **APPEARANCE FOR A TRIAL AT A LATER DATE;**

8 **(II) IF UNABLE TO POST COLLATERAL OR BOND, IS TAKEN INTO**
9 **CUSTODY UNTIL THE COLLATERAL OR BOND IS POSTED; OR**

10 **(III) IS TAKEN DIRECTLY TO COURT FOR AN IMMEDIATE**
11 **APPEARANCE;**

12 **(9) THE PURPOSE OF THE ENFORCEMENT PRACTICES DESCRIBED IN**
13 **ITEM (8) OF THIS SUBSECTION IS TO ENSURE COMPLIANCE WITH THE TERMS OF A**
14 **BOATING CITATION BY THE PERSON WHO, IF PERMITTED TO CONTINUE ON THE**
15 **PERSON'S WAY AFTER RECEIVING THE CITATION, COULD RETURN TO THE PERSON'S**
16 **HOME STATE AND DISREGARD THE PERSON'S DUTY UNDER THE TERMS OF THE**
17 **CITATION;**

18 **(10) IN MOST INSTANCES, A PERSON RECEIVING A BOATING CITATION**
19 **IN THE PERSON'S HOME STATE IS PERMITTED TO ACCEPT THE CITATION FROM THE**
20 **OFFICER AT THE SCENE OF THE VIOLATION AND TO CONTINUE IMMEDIATELY ON**
21 **THE PERSON'S WAY AFTER AGREEING OR BEING INSTRUCTED TO COMPLY WITH THE**
22 **TERMS OF THE CITATION;**

23 **(11) THE PRACTICE DESCRIBED IN ITEM (8) OF THIS SUBSECTION**
24 **CAUSES UNNECESSARY INCONVENIENCE AND, AT TIMES, A HARDSHIP FOR THE**
25 **PERSON WHO IS UNABLE AT THE TIME TO POST COLLATERAL, FURNISH A BOND,**
26 **STAND TRIAL, OR PAY THE FINE, AND THUS IS COMPELLED TO REMAIN IN CUSTODY**
27 **UNTIL SOME ALTERNATIVE ARRANGEMENT CAN BE MADE; AND**

28 **(12) THE ENFORCEMENT PRACTICES DESCRIBED IN ITEM (8) OF THIS**
29 **SUBSECTION CONSUME AN UNDUE AMOUNT OF LAW ENFORCEMENT TIME.**

30 **(B) IT IS THE POLICY OF THE PARTY STATES TO:**

31 **(1) PROMOTE COMPLIANCE WITH THE STATUTES, LAWS,**
32 **ORDINANCES, REGULATIONS, AND ADMINISTRATIVE RULES RELATING TO BOATING**
33 **ACTIVITIES ON PUBLIC WATERS IN THEIR RESPECTIVE STATES;**

DEFINITIONS

1
2 (A) UNLESS THE CONTEXT REQUIRES OTHERWISE, THE FOLLOWING WORDS
3 HAVE THE MEANINGS INDICATED AND ARE INTENDED ONLY FOR THE
4 IMPLEMENTATION OF THIS COMPACT.

5 (B) "BOATING ACTIVITY" MEANS ANY ACTIVITY INVOLVING THE OPERATION
6 OF A WATERCRAFT ON PUBLIC WATERS.

7 (C) "BOATING AUTHORITY" MEANS THE DEPARTMENT OR DIVISION WITHIN
8 EACH PARTY STATE THAT IS AUTHORIZED BY LAW TO REGULATE THE OPERATION OF
9 WATERCRAFT ON PUBLIC WATERS.

10 (D) "BOATING LAW" MEANS ANY STATUTE, LAW, REGULATION, ORDINANCE,
11 OR ADMINISTRATIVE RULE DEVELOPED AND ENACTED TO REGULATE BOATING
12 ACTIVITIES ON PUBLIC WATERS.

13 (E) "BOATING VIOLATION" MEANS ANY CITED VIOLATION OF A STATUTE, A
14 LAW, A REGULATION, AN ORDINANCE, OR AN ADMINISTRATIVE RULE DEVELOPED
15 AND ENACTED TO REGULATE THE OPERATION OF WATERCRAFT ON PUBLIC WATERS.

16 (F) "CITATION" MEANS ANY SUMMONS, COMPLAINT, TICKET, PENALTY
17 ASSESSMENT, OR OTHER OFFICIAL DOCUMENT ISSUED BY A LAW ENFORCEMENT
18 OFFICER FOR A BOATING VIOLATION CONTAINING AN ORDER THAT REQUIRES THE
19 PERSON TO RESPOND.

20 (G) "COLLATERAL" MEANS ANY CASH OR OTHER SECURITY DEPOSITED TO
21 SECURE AN APPEARANCE FOR TRIAL, IN CONNECTION WITH THE ISSUANCE BY A LAW
22 ENFORCEMENT OFFICER OF A CITATION FOR A BOATING VIOLATION.

23 (H) "COMPLIANCE" WITH RESPECT TO A CITATION MEANS THE ACT OF
24 ANSWERING THE CITATION THROUGH APPEARANCE AT A COURT OR A TRIBUNAL, OR
25 PAYMENT OF FINES, COSTS, AND SURCHARGES, IF ANY, OR BOTH APPEARANCE AND
26 PAYMENT.

27 (I) "CONVICTION" MEANS:

28 (1) A CONVICTION, INCLUDING ANY COURT CONVICTION, FOR AN
29 OFFENSE RELATED TO THE OPERATION OF WATERCRAFT ON PUBLIC WATERS THAT
30 IS PROHIBITED BY STATE STATUTE, LAW, REGULATION, ORDINANCE, OR
31 ADMINISTRATIVE RULE;

1 **(2) A FORFEITURE OF BAIL, BOND, OR OTHER SECURITY DEPOSITED**
2 **TO SECURE APPEARANCE BY A PERSON CHARGED WITH HAVING COMMITTED THE**
3 **OFFENSE;**

4 **(3) PAYMENT OF A PENALTY ASSESSMENT;**

5 **(4) A PLEA OF NOLO CONTENDERE; OR**

6 **(5) THE IMPOSITION OF A DEFERRED OR SUSPENDED SENTENCE BY**
7 **THE COURT.**

8 **(J) “COURT” MEANS ANY COURT OF LAW, INCLUDING MAGISTRATES COURT.**

9 **(K) “HOME STATE” MEANS THE STATE OF PRIMARY RESIDENCE OF A**
10 **PERSON.**

11 **(L) “ISSUING STATE” MEANS THE PARTY STATE THAT ISSUES A BOATING**
12 **CITATION TO THE VIOLATOR.**

13 **(M) “OFFICER” MEANS ANY INDIVIDUAL AUTHORIZED BY A PARTY STATE TO**
14 **ISSUE A CITATION FOR A BOATING VIOLATION.**

15 **(N) “OPERATE” MEANS TO NAVIGATE, STEER, DRIVE, OR BE IN CONTROL OF**
16 **A WATERCRAFT.**

17 **(O) “PARTY STATE” MEANS ANY STATE THAT ENACTS LEGISLATION TO**
18 **BECOME A MEMBER OF THIS COMPACT.**

19 **(P) “PERSONAL RECOGNIZANCE” MEANS AN AGREEMENT BY A PERSON**
20 **MADE AT THE TIME OF ISSUANCE OF THE BOATING CITATION THAT THE PERSON**
21 **WILL COMPLY WITH THE TERMS OF THAT CITATION.**

22 **(Q) “STATE” MEANS ANY STATE, TERRITORY, OR POSSESSION OF THE**
23 **UNITED STATES, INCLUDING THE DISTRICT OF COLUMBIA AND THE**
24 **COMMONWEALTH OF PUERTO RICO.**

25 **(R) “SUSPENSION” MEANS ANY REVOCATION, DENIAL, OR WITHDRAWAL OF**
26 **ANY OR ALL WATERCRAFT OR WATER DEVICE OPERATING PRIVILEGES, OR**
27 **WATERCRAFT OPERATOR’S LICENSE.**

28 **(S) “TERMS OF THE CITATION” MEANS THOSE CONDITIONS AND OPTIONS**
29 **EXPRESSLY STATED IN THE CITATION.**

1 OF THE VIOLATOR THE INFORMATION IN A FORM AND CONTENT AS CONTAINED IN
2 THE COMPACT MANUAL.

3 ARTICLE IV

4 PROCEDURES FOR HOME STATE

5 (A) (1) ON RECEIPT OF A REPORT OF FAILURE TO COMPLY WITH THE
6 TERMS OF A CITATION FROM THE BOATING AUTHORITY OF THE ISSUING STATE, THE
7 BOATING AUTHORITY OF THE HOME STATE SHALL:

8 (I) NOTIFY THE VIOLATOR;

9 (II) INITIATE A SUSPENSION ACTION IN ACCORDANCE WITH THE
10 HOME STATE'S SUSPENSION PROCEDURES; AND

11 (III) SUSPEND THE VIOLATOR'S WATERCRAFT OPERATING
12 PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSE UNTIL SATISFACTORY
13 EVIDENCE OF COMPLIANCE WITH THE TERMS OF THE BOATING CITATION HAS BEEN
14 FURNISHED BY THE ISSUING STATE TO THE HOME STATE BOATING AUTHORITY.

15 (2) DUE PROCESS SAFEGUARDS SHALL BE ACCORDED.

16 (B) ON RECEIPT OF A REPORT OF CONVICTION FROM THE BOATING
17 AUTHORITY OF THE ISSUING STATE, THE BOATING AUTHORITY OF THE HOME STATE
18 SHALL ENTER THE CONVICTION IN THE BOATING AUTHORITY'S RECORDS AND SHALL
19 TREAT THE CONVICTION AS IF IT OCCURRED IN THE HOME STATE FOR THE
20 PURPOSES OF THE SUSPENSION OF WATERCRAFT OPERATING PRIVILEGES OR A
21 WATERCRAFT OPERATOR'S LICENSE.

22 (C) THE BOATING AUTHORITY OF THE HOME STATE SHALL MAINTAIN A
23 RECORD OF ACTIONS TAKEN AND MAKE REPORTS TO ISSUING STATES AS PROVIDED
24 IN THE COMPACT MANUAL.

25 ARTICLE V

26 RECIPROCAL RECOGNITION OF SUSPENSION

27 (A) ALL PARTY STATES SHALL RECOGNIZE THE SUSPENSION OF
28 WATERCRAFT OPERATING PRIVILEGES OR THE WATERCRAFT OPERATOR'S LICENSE
29 OF ANY PERSON BY ANY STATE AS IF THE VIOLATION ON WHICH THE SUSPENSION IS
30 BASED OCCURRED IN THEIR RESPECTIVE STATES AND COULD HAVE BEEN THE BASIS

1 FOR SUSPENSION OF WATERCRAFT OPERATING PRIVILEGES OR THE WATERCRAFT
2 OPERATOR'S LICENSE IN THEIR RESPECTIVE STATES.

3 (B) EACH PARTY STATE SHALL COMMUNICATE SUSPENSION INFORMATION
4 TO OTHER PARTY STATES IN FORM AND CONTENT AS CONTAINED IN THE COMPACT
5 MANUAL.

6 ARTICLE VI

7 APPLICABILITY OF OTHER LAWS

8 EXCEPT AS EXPRESSLY REQUIRED BY PROVISIONS OF THIS COMPACT,
9 NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO AFFECT THE RIGHT OF ANY
10 PARTY STATE TO APPLY ANY OF ITS LAWS RELATING TO WATERCRAFT OPERATING
11 PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSES TO A PERSON OR
12 CIRCUMSTANCE OR TO INVALIDATE OR PREVENT ANY AGREEMENT OR OTHER
13 COOPERATIVE ARRANGEMENTS BETWEEN A PARTY STATE AND A NONPARTY STATE
14 CONCERNING BOATING LAW ENFORCEMENT.

15 ARTICLE VII

16 COMPACT ADMINISTRATOR PROCEDURES

17 (A) (1) FOR THE PURPOSE OF ADMINISTERING THE PROVISIONS OF THIS
18 COMPACT AND TO SERVE AS A GOVERNING BODY FOR THE RESOLUTION OF ALL
19 MATTERS RELATING TO THE OPERATION OF THIS COMPACT, A BOARD OF BOATING
20 COMPACT ADMINISTRATORS IS ESTABLISHED.

21 (2) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL BE
22 COMPOSED OF ONE REPRESENTATIVE FROM EACH OF THE PARTY STATES TO BE
23 KNOWN AS THE BOATING COMPACT ADMINISTRATOR.

24 (3) THE BOATING COMPACT ADMINISTRATOR SHALL BE APPOINTED
25 BY THE HEAD OF THE BOATING AUTHORITY OF EACH PARTY STATE AND WILL SERVE
26 AND BE SUBJECT TO REMOVAL IN ACCORDANCE WITH THE LAWS OF THE STATE THAT
27 THE BOATING COMPACT ADMINISTRATOR REPRESENTS.

28 (4) A BOATING COMPACT ADMINISTRATOR MAY PROVIDE FOR THE
29 DISCHARGE OF THE BOATING COMPACT ADMINISTRATOR'S DUTIES AND THE
30 PERFORMANCE OF THE BOATING COMPACT ADMINISTRATOR'S FUNCTIONS AS A
31 BOARD MEMBER BY AN ALTERNATE.

1 **(5) AN ALTERNATE MAY NOT BE ENTITLED TO SERVE UNLESS**
2 **WRITTEN NOTIFICATION OF THE ALTERNATE'S IDENTITY HAS BEEN GIVEN TO THE**
3 **BOARD OF BOATING COMPACT ADMINISTRATORS.**

4 **(B) (1) EACH MEMBER OF THE BOARD OF BOATING COMPACT**
5 **ADMINISTRATORS IS ENTITLED TO ONE VOTE.**

6 **(2) NO ACTION OF THE BOARD OF BOATING COMPACT**
7 **ADMINISTRATORS IS BINDING UNLESS TAKEN AT A MEETING AT WHICH A MAJORITY**
8 **OF THE TOTAL NUMBER OF VOTES ON THE BOARD ARE CAST IN FAVOR OF THE**
9 **ACTION.**

10 **(3) ACTION BY THE BOARD OF BOATING COMPACT ADMINISTRATORS**
11 **MAY BE TAKEN ONLY AT A MEETING AT WHICH A MAJORITY OF THE PARTY STATES**
12 **ARE REPRESENTED.**

13 **(C) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL ELECT**
14 **ANNUALLY, FROM ITS MEMBERSHIP, A CHAIR AND VICE CHAIR.**

15 **(D) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL ADOPT**
16 **BYLAWS CONSISTENT WITH THE PROVISIONS OF THIS COMPACT OR THE LAWS OF A**
17 **PARTY STATE FOR THE CONDUCT OF THE BOARD'S BUSINESS AND SHALL HAVE THE**
18 **POWER TO AMEND AND RESCIND THE BOARD'S BYLAWS.**

19 **(E) THE BOARD OF BOATING COMPACT ADMINISTRATORS MAY ACCEPT**
20 **FOR ANY OF THE BOARD'S PURPOSES AND FUNCTIONS UNDER THIS COMPACT ALL**
21 **DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND**
22 **SERVICES, CONDITIONAL OR OTHERWISE, FROM ANY STATE, THE UNITED STATES,**
23 **OR ANY GOVERNMENT AGENCY, AND MAY RECEIVE, UTILIZE, AND DISPOSE OF THE**
24 **SAME.**

25 **(F) THE BOARD OF BOATING COMPACT ADMINISTRATORS MAY CONTRACT**
26 **WITH OR ACCEPT SERVICES OR PERSONNEL FROM ANY GOVERNMENT OR**
27 **INTERGOVERNMENTAL AGENCY, INDIVIDUAL, FIRM, CORPORATION, OR PRIVATE**
28 **NONPROFIT ORGANIZATION OR INSTITUTION.**

29 **(G) (1) THE BOARD OF BOATING COMPACT ADMINISTRATORS SHALL**
30 **FORMULATE ALL NECESSARY PROCEDURES AND DEVELOP UNIFORM FORMS AND**
31 **DOCUMENTS FOR ADMINISTERING THE PROVISIONS OF THIS COMPACT, INCLUDING**
32 **THE COMPACT MANUAL.**

1 8-802.

2 (A) THE SECRETARY SHALL APPOINT A BOATING COMPACT
3 ADMINISTRATOR FOR MARYLAND.

4 (B) THE BOATING COMPACT ADMINISTRATOR SERVES AT THE PLEASURE
5 OF THE SECRETARY.

6 8-803.

7 THE DEPARTMENT SHALL DENY, SUSPEND, OR REVOKE THE WATERCRAFT
8 OPERATING PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSE OF ANY PERSON IN
9 THIS STATE TO THE EXTENT THAT THE WATERCRAFT OPERATING PRIVILEGES OR
10 THE WATERCRAFT OPERATOR'S LICENSE HAS BEEN DENIED, SUSPENDED, OR
11 REVOKED BY ANOTHER COMPACT MEMBER UNDER THE PROVISIONS OF § 8-801 OF
12 THIS SUBTITLE.

13 8-804.

14 THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT
15 THE PURPOSES OF THIS SUBTITLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.