

SENATE BILL 81

M1
SB 123/16 – EHE

(PRE-FILED)

7lr0848

By: **Senator Simonaire**

Requested: October 12, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 7, 2017

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

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.



(2012 Replacement Volume and 2016 Supplement)

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

Article – Natural Resources

SUBTITLE 8. INTERSTATE BOATING VIOLATOR COMPACT.

8-801.

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

ARTICLE I

FINDINGS, DECLARATION OF POLICY, AND PURPOSE

(A) THE PARTY STATES FIND THAT:

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

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

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

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

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

**(6) VIOLATION OF BOATING LAWS INTERFERES WITH THE
MANAGEMENT OF BOATING ACTIVITIES ON PUBLIC WATERS AND MAY ENDANGER
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:**

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

4 **(2) RECOGNIZE THE SUSPENSION OF WATERCRAFT OPERATING**
5 **PRIVILEGES OR THE WATERCRAFT OPERATOR'S LICENSE OF ANY PERSON WHOSE**
6 **WATERCRAFT OPERATING PRIVILEGES OR WATERCRAFT OPERATOR'S LICENSE HAS**
7 **BEEN SUSPENDED BY A PARTY STATE AND TREAT THE SUSPENSION AS IF IT HAD**
8 **OCCURRED IN THEIR RESPECTIVE STATES;**

9 **(3) ALLOW VIOLATORS TO ACCEPT A BOATING CITATION, EXCEPT AS**
10 **PROVIDED IN SUBSECTION (B) OF ARTICLE III, AND PROCEED ON THE VIOLATOR'S**
11 **WAY WITHOUT DELAY WHETHER OR NOT THE PERSON IS A RESIDENT IN THE STATE**
12 **IN WHICH THE CITATION WAS ISSUED, PROVIDED THAT THE VIOLATOR'S HOME**
13 **STATE IS A PARTICIPANT IN THIS COMPACT;**

14 **(4) REPORT TO THE APPROPRIATE PARTY STATE, AS PROVIDED IN**
15 **THE COMPACT MANUAL, ANY BOATING CONVICTION RECORDED AGAINST A PERSON**
16 **WHOSE HOME STATE WAS NOT THE ISSUING STATE;**

17 **(5) ALLOW THE HOME STATE TO RECOGNIZE AND TREAT BOATING**
18 **CONVICTIONS RECORDED FOR THE HOME STATE'S RESIDENTS THAT OCCURRED IN**
19 **ANOTHER PARTY STATE AS IF THEY HAD OCCURRED IN THE HOME STATE;**

20 **(6) EXTEND COOPERATION TO ITS FULLEST EXTENT AMONG THE**
21 **PARTY STATES FOR OBTAINING COMPLIANCE WITH THE TERMS OF A BOATING**
22 **CITATION ISSUED IN ONE PARTY STATE TO A RESIDENT OF ANOTHER PARTY STATE;**

23 **(7) MAXIMIZE EFFECTIVE USE OF LAW ENFORCEMENT PERSONNEL**
24 **AND INFORMATION; AND**

25 **(8) ASSIST COURT SYSTEMS IN THE EFFICIENT DISPOSITION OF**
26 **BOATING VIOLATIONS.**

27 **(C) THE PURPOSES OF THIS COMPACT ARE TO PROVIDE:**

28 **(1) A MEANS THROUGH WHICH THE PARTY STATES MAY PARTICIPATE**
29 **IN A RECIPROCAL PROGRAM TO EFFECTUATE POLICIES ENUMERATED IN**
30 **SUBSECTION (B) OF THIS ARTICLE IN A UNIFORM AND ORDERLY MANNER; AND**

31 **(2) FOR THE FAIR AND IMPARTIAL TREATMENT OF BOATING**
32 **VIOLATORS OPERATING WITHIN PARTY STATES IN RECOGNITION OF THE PERSON'S**
33 **RIGHT OF DUE PROCESS AND THE SOVEREIGN STATUS OF A PARTY STATE.**

ARTICLE II

DEFINITIONS

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

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

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

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

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

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

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

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

28 (I) "CONVICTION" MEANS:

29 (1) A CONVICTION, INCLUDING ANY COURT CONVICTION, FOR AN
30 OFFENSE RELATED TO THE OPERATION OF WATERCRAFT ON PUBLIC WATERS THAT

1 IS PROHIBITED BY STATE STATUTE, LAW, REGULATION, ORDINANCE, OR
2 ADMINISTRATIVE RULE;

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

6 (3) PAYMENT OF A PENALTY ASSESSMENT;

7 (4) A PLEA OF NOLO CONTENDERE; OR

8 (5) THE IMPOSITION OF A DEFERRED OR SUSPENDED SENTENCE BY
9 THE COURT.

10 (J) "COURT" MEANS ANY COURT OF LAW, INCLUDING MAGISTRATES COURT.

11 (K) "HOME STATE" MEANS THE STATE OF PRIMARY RESIDENCE OF A
12 PERSON.

13 (L) "ISSUING STATE" MEANS THE PARTY STATE THAT ISSUES A BOATING
14 CITATION TO THE VIOLATOR.

15 (M) "OFFICER" MEANS ANY INDIVIDUAL AUTHORIZED BY A PARTY STATE TO
16 ISSUE A CITATION FOR A BOATING VIOLATION.

17 (N) "OPERATE" MEANS TO NAVIGATE, STEER, DRIVE, OR BE IN CONTROL OF
18 A WATERCRAFT.

19 (O) "PARTY STATE" MEANS ANY STATE THAT ENACTS LEGISLATION TO
20 BECOME A MEMBER OF THIS COMPACT.

21 (P) "PERSONAL RECOGNIZANCE" MEANS AN AGREEMENT BY A PERSON
22 MADE AT THE TIME OF ISSUANCE OF THE BOATING CITATION THAT THE PERSON
23 WILL COMPLY WITH THE TERMS OF THAT CITATION.

24 (Q) "STATE" MEANS ANY STATE, TERRITORY, OR POSSESSION OF THE
25 UNITED STATES, INCLUDING THE DISTRICT OF COLUMBIA AND THE
26 COMMONWEALTH OF PUERTO RICO.

27 (R) "SUSPENSION" MEANS ANY REVOCATION, DENIAL, OR WITHDRAWAL OF
28 ANY OR ALL WATERCRAFT OR WATER DEVICE OPERATING PRIVILEGES, OR
29 WATERCRAFT OPERATOR'S LICENSE.

1 OF ANY PERSON BY ANY STATE AS IF THE VIOLATION ON WHICH THE SUSPENSION IS
2 BASED OCCURRED IN THEIR RESPECTIVE STATES AND COULD HAVE BEEN THE BASIS
3 FOR SUSPENSION OF WATERCRAFT OPERATING PRIVILEGES OR THE WATERCRAFT
4 OPERATOR'S LICENSE IN THEIR RESPECTIVE STATES.

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

8 ARTICLE VI

9 APPLICABILITY OF OTHER LAWS

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

17 ARTICLE VII

18 COMPACT ADMINISTRATOR PROCEDURES

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

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

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

30 (4) A BOATING COMPACT ADMINISTRATOR MAY PROVIDE FOR THE
31 DISCHARGE OF THE BOATING COMPACT ADMINISTRATOR'S DUTIES AND THE
32 PERFORMANCE OF THE BOATING COMPACT ADMINISTRATOR'S FUNCTIONS AS A
33 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, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.