

SENATE BILL 585

M1, E1

4lr2322

By: **Senators Simonaire, Brooks, Gallion, Carozza, Hester, and M. Washington**

Introduced and read first time: January 25, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted with floor amendments

Read second time: February 13, 2024

CHAPTER _____

1 AN ACT concerning

2 **Boating Accidents – Duty to Remain at the Scene, Render Assistance, and**
3 **Provide Information – Penalties**

4 FOR the purpose of requiring the operator of a vessel involved in a collision, accident, or
5 other casualty to return to and remain at the scene of the collision, accident, or
6 casualty until the operator has rendered certain assistance and provided certain
7 information; establishing criminal penalties for the operator of a vessel involved in
8 a collision, accident, or other casualty who does not take certain actions; specifying
9 that property damage includes damage to navigational aid markers, lights, or
10 identifiers for purposes of a certain reporting requirement; and generally relating to
11 the operator of a vessel involved in a collision, accident, or other casualty.

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 8–724
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2023 Supplement)

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

19 **Article – Natural Resources**

20 8–724.

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.



(a) (1) (I) THE OPERATOR OF A VESSEL INVOLVED IN A COLLISION, ACCIDENT, OR OTHER CASUALTY THAT RESULTS IN BODILY INJURY TO ANOTHER PERSON IMMEDIATELY SHALL STOP THE VESSEL AS CLOSE AS POSSIBLE TO THE SCENE OF THE COLLISION, ACCIDENT, OR OTHER CASUALTY.

(II) THE OPERATOR OF A VESSEL INVOLVED IN A COLLISION, ACCIDENT, OR OTHER CASUALTY THAT RESULTS IN BODILY INJURY TO ANOTHER PERSON IMMEDIATELY SHALL RETURN TO AND REMAIN AT THE SCENE OF THE COLLISION, ACCIDENT, OR OTHER CASUALTY UNTIL THE OPERATOR HAS COMPLIED WITH SUBSECTION (B) OF THIS SECTION.

(2) (I) THE OPERATOR OF A VESSEL INVOLVED IN A COLLISION, ACCIDENT, OR OTHER CASUALTY THAT RESULTS IN THE DEATH OF ANOTHER PERSON IMMEDIATELY SHALL STOP THE VESSEL AS CLOSE AS POSSIBLE TO THE SCENE OF THE COLLISION, ACCIDENT, OR OTHER CASUALTY.

(II) THE OPERATOR OF A VESSEL INVOLVED IN A COLLISION, ACCIDENT, OR OTHER CASUALTY THAT RESULTS IN THE DEATH OF ANOTHER PERSON IMMEDIATELY SHALL RETURN TO AND REMAIN AT THE SCENE OF THE COLLISION, ACCIDENT, OR OTHER CASUALTY UNTIL THE OPERATOR HAS COMPLIED WITH SUBSECTION (B) OF THIS SECTION.

(3) (I) IN THIS PARAGRAPH, "SERIOUS BODILY INJURY" MEANS AN INJURY THAT:

1. CREATES A SUBSTANTIAL RISK OF DEATH;
2. CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED DISFIGUREMENT;
3. CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED LOSS OF THE FUNCTION OF ANY BODY PART, ORGAN, OR MENTAL FACULTY; OR
4. CAUSES SERIOUS PERMANENT OR SERIOUS PROTRACTED IMPAIRMENT OF THE FUNCTION OF ANY BODY PART OR ORGAN.

(II) 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A PERSON CONVICTED OF A VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, A PERSON CONVICTED OF A VIOLATION OF PARAGRAPH (2) OF

1 THIS SUBSECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
2 FINE NOT EXCEEDING \$5,000 OR BOTH.

3 (III) 1. A PERSON WHO VIOLATES THIS SUBSECTION AND
4 WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE COLLISION,
5 ACCIDENT, OR OTHER CASUALTY MIGHT RESULT IN SERIOUS BODILY INJURY TO
6 ANOTHER PERSON AND SERIOUS BODILY INJURY ACTUALLY OCCURRED TO
7 ANOTHER PERSON, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO
8 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
9 BOTH.

10 2. A PERSON WHO VIOLATES THIS SUBSECTION AND
11 WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE COLLISION,
12 ACCIDENT, OR OTHER CASUALTY MIGHT RESULT IN THE DEATH OF ANOTHER
13 PERSON AND DEATH ACTUALLY OCCURRED TO ANOTHER PERSON, IS GUILTY OF A
14 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10
15 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

16 (B) (1) The operator of a vessel involved in a collision, accident, or other
17 casualty shall [render]:

18 (I) RENDER all practical and necessary assistance to persons
19 affected by the collision, accident, or casualty to save the persons from danger caused by
20 the collision, accident, or casualty, to the extent the operator can do so without serious
21 danger to the operator's own vessel, or persons aboard[. The operator also shall give]; AND

22 (II) GIVE the operator's name, address, and the identification of the
23 operator's vessel to any person injured and to the owner of any property damaged.

24 (2) The duties imposed by this subsection are in addition to any duties
25 otherwise imposed by law.

26 (3) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS
27 SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING
28 \$500 OR BOTH.

29 [(b)] (C) If an accident involves any vessel subject to this subtitle while on the
30 waters of the State and results in the death, disappearance, or injury of any person or in
31 property damage of \$2,000 or more, or there is complete loss of the vessel, the operator shall
32 file with the Department a full description of the accident, including any information the
33 Department requires by regulation. If the operator is unable to file the report, the vessel
34 owner shall file the report. If the accident caused the death or disappearance of any person
35 or a person receives medical treatment beyond first aid, the report shall be made within 48
36 hours. Any other accident resulting in personal injury or property damage, INCLUDING
37 DAMAGE TO NAVIGATIONAL AID MARKERS, LIGHTS, OR IDENTIFIERS, shall be

1 reported within 10 days. This subsection does not apply to a vessel required to have a
2 certificate of inspection under Chapter 1, Title 46, Code of Federal Regulations.

3 **[(c)] (D)** If any vessel numbered in the State is involved in an accident on waters
4 outside of the State, and the accident results in the death, disappearance, or injury of any
5 person or in property damage of \$2,000 or more, the operator or owner, within 30 days,
6 shall file a complete report with the Department including any information the Department
7 requires by regulation. This subsection does not exempt or excuse any operator or owner
8 from the requirements of any federal or other state law or rule or regulation having
9 jurisdiction over the waters in which the accident occurs. Furthermore, any
10 accident-reporting requirement in the federal or other state law or rule or regulation may
11 not exonerate or excuse any failure of the operator or owner of a vessel numbered in the
12 State to report the accident in the State.

13 **[(d)] (E)** The required report of a boating accident may not be referred to during
14 any judicial proceeding. It is not subject to subpoena or admissible as evidence in any
15 proceeding. Subject to these restrictions, information contained in a boating accident report
16 and any statistical information based on the report is available on request for official
17 purposes to the U.S. Coast Guard and its successor agency.

18 **[(e)] (F)** Any person who complies with subsection **[(a)] (B)** of this section or who
19 gratuitously and in good faith renders or attempts to render assistance to any vessel in
20 distress on any waters of the State without objection from any person assisted, is not liable
21 for any civil damage as the result of any act or omission by the person in rendering
22 assistance, if the act or omission does not amount to gross negligence.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.