

SENATE BILL 123

M1, E1
SB 585/24 – JPR

(PRE-FILED)

5lr0619
CF HB 676

By: **Senator Simonaire**

Requested: May 18, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 24, 2025

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; and
9 generally relating to the operator of a vessel involved in a collision, accident, or other
10 casualty.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 8–724
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2024 Supplement)

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

18 **Article – Natural Resources**

19 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

1 THIS PARAGRAPH, A PERSON CONVICTED OF A VIOLATION OF PARAGRAPH (2) OF
2 THIS SUBSECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
3 FINE NOT EXCEEDING \$5,000 OR BOTH.

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

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

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

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

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

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

27 (3) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS
28 SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING
29 \$500 OR BOTH.

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

1 hours. Any other accident resulting in personal injury or property damage shall be reported
2 within 10 days. This subsection does not apply to a vessel required to have a certificate of
3 inspection under Chapter 1, Title 46, Code of Federal Regulations.

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.