

SENATE BILL 123

M1, E1

(5lr0619)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senator Simonaire**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Boating Accidents – Duty to ~~Remain~~ Stop 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~~ stop the vessel as close as possible to the
6 scene of the collision, accident, or casualty until the operator has rendered certain
7 assistance and provided certain information; establishing criminal penalties for the
8 operator of a vessel involved in a collision, accident, or other casualty who does not
9 take certain actions; and generally relating to the operator of a vessel involved in a
10 collision, accident, or other casualty.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 8–724
14 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.

Italics indicate opposite chamber/conference committee amendments.



(2023 Replacement Volume and 2024 Supplement)

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

Article – Natural Resources

8–724.

(a) (1) ~~(H)~~ 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 TO COMPLY WITH
SUBSECTION (B) OF THIS SECTION.

~~(H) 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) ~~(H)~~ 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 TO COMPLY WITH
SUBSECTION (B) OF THIS SECTION.

~~(H) 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

1 4. CAUSES SERIOUS PERMANENT OR SERIOUS
2 PROTRACTED IMPAIRMENT OF THE FUNCTION OF ANY BODY PART OR ORGAN.

3 (II) 1. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF
4 THIS PARAGRAPH, A PERSON CONVICTED OF A VIOLATION OF PARAGRAPH (1) OF
5 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
6 TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$3,000 OR
7 BOTH.

8 2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF
9 THIS PARAGRAPH, A PERSON CONVICTED OF A VIOLATION OF PARAGRAPH (2) OF
10 THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
11 TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
12 BOTH.

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

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

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

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

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

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

1 **(3) A PERSON CONVICTED OF A VIOLATION OF THIS SUBSECTION IS**
2 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**
3 **NOT EXCEEDING 2 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

4 **[(b)] (C)** If an accident involves any vessel subject to this subtitle while on the
5 waters of the State and results in the death, disappearance, or injury of any person or in
6 property damage of \$2,000 or more, or there is complete loss of the vessel, the operator shall
7 file with the Department a full description of the accident, including any information the
8 Department requires by regulation. If the operator is unable to file the report, the vessel
9 owner shall file the report. If the accident caused the death or disappearance of any person
10 or a person receives medical treatment beyond first aid, the report shall be made within 48
11 hours. Any other accident resulting in personal injury or property damage shall be reported
12 within 10 days. This subsection does not apply to a vessel required to have a certificate of
13 inspection under Chapter 1, Title 46, Code of Federal Regulations.

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

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

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

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