

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 74, § 7(a)(3), the first and second clauses of the second sentence of § 6, and, as it related to receipt of certain fines by the Board, § 1(e)(1).

Subsection (b) of this section is new language derived without substantive change from former Art. 74, § 1(e)(1), as it related to the receipt of certain fines by the Board, and § 12, as it related to payment of a fine.

Subsection (c) of this section is new language derived without substantive change from former Art. 74, § 14 and, as it related to receipt of certain fines by the Board, § 1(e)(1).

Former Art. 74, § 7(a)(2), which provided a \$150 fine if an individual pilots a vessel while the license of the individual is suspended or revoked, is deleted as unnecessary in light of subsection (a) of this section and as misleading since it failed to enumerate other applicable circumstances, such as expired licenses.

The Business Occupations Article Review Committee notes, for consideration by the General Assembly, that the penalty provisions of this subtitle raise several problems.

First, the penalties for violations of the provisions of this title are low compared with the penalties for violations of the provisions of the other titles of this article. There is only 1 criminal provision, found in § 11-706 of this subtitle. That section imposes a misdemeanor fine of \$100 for failing to provide waste disposal regulations in violation of § 11-601 of this title. The only other penalties are the civil fines of \$150 found in this section.

Second, the law states that the civil fines are to be collected by the Board but does not provide for hearings or any other mechanisms for imposing or collecting the fines.

Third, there is no penalty for failing to employ a pilot when required by § 11-501 of this title. The law merely requires payment of the normal pilotage fee under § 11-502 of this title. Therefore, a person who unlawfully fails to employ a pilot pays the same amount as a person who lawfully employs a pilot.