

(1) EACH VESSEL IS IN SEAWORTHY CONDITION AND EQUIPPED FOR THE WATERS WHERE THE VESSEL IS INTENDED TO BE USED; AND

(2) THE LIVERY VESSEL OWNER OR AGENT OR EMPLOYEE OF THE LIVERY VESSEL OWNER POSSESSES A BOATING SAFETY CERTIFICATE APPROVED BY THE DEPARTMENT.

(C) A VIOLATION OF SUBSECTION (B) OF THIS SECTION SHALL BE CONSIDERED A BOATING SAFETY VIOLATION FOR PURPOSES OF § 8-740(A) OF THIS SUBTITLE.

8-739.

(a) Any person who violates any provision of § 8-712, § 8-712.1, § 8-712.3, § 8-713, or § 8-718 of this subtitle is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding \$500; and

(2) For any subsequent offense that occurs within 2 years of a prior violation, a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both.

(b) Any person who violates § 8-716.1 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 5 years, or both.

8-740.

(a) If a person is convicted of 2 boating violations concerning the operation of, or safety equipment on, a vessel within a 2-year period of time, the person is required, as a condition of probation or sentencing, to complete successfully a boating safety education course that is offered or approved by the Department.

(b) Notwithstanding the provisions of subsection (a) of this section, if a person is convicted of any of the following boating safety violations in the operation of a vessel, the person is required, as a condition of probation or sentencing, to successfully complete a boating safety education course that is offered or approved by the Department:

(1) Negligent operation;

(2) Reckless operation; or

(3) Operating under the influence of alcohol, any drug, combination of drugs, or combination of drugs and alcohol, in violation of § 8-738 of this subtitle.

(c) The requirement to take and successfully complete the boating safety education course under subsections (a) and (b) of this section is in addition to any other punishment that a judge imposes for violation of the boating laws or regulations of the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.