

accident, or casualty, to the extent the operator can do so without serious danger to the operator's own vessel, or persons aboard. The operator also shall give the operator's name, address, and the identification of the operator's vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) If an accident involves any vessel subject to this subtitle while on the waters of the State and results in the death, disappearance, or injury of any person or in property damage of \$2,000 or more, or there is complete loss of the vessel, [or a collision occurs involving two or more vessels, regardless of the amount of damage to property, the operator or owner, if the operator cannot submit a report] THE OPERATOR shall file with the Department a full description of the accident, including any information the Department requires by regulation. IF THE OPERATOR IS UNABLE TO FILE THE REPORT, THE VESSEL OWNER SHALL FILE THE REPORT. If the accident caused the death or disappearance of any person or a person receives medical treatment beyond first aid, the report shall be made within 48 hours. Any other accident resulting in personal injury or property damage shall be reported within 10 days. This subsection does not apply to a vessel required to have a certificate of inspection under Chapter 1, Title 46, Code of Federal Regulations.

(c) If any vessel numbered in the State is involved in an accident on waters outside of the State, and the accident results in the death, disappearance, or injury of any person or in property damage of \$2,000 or more, [or a collision occurs involving two or more vessels, regardless of the amount of damage to property,] the operator or owner, within 30 days, shall file a complete report with the Department including any information the Department requires by regulation. This subsection does not exempt or excuse any operator or owner[, if the operator cannot submit the report,] from the requirements of any federal or other State law or rule or regulation having jurisdiction over the waters in which the accident occurs. Furthermore, any accident-reporting requirement in the federal or other State law or rule or regulation may not exonerate or excuse any failure of the operator or owner of a vessel numbered in the State to report the accident in the State.

(d) The required report of a boating accident may not be referred to during any judicial proceeding. It is not subject to subpoena or admissible as evidence in any proceeding. Subject to these restrictions, information contained in a boating accident report and any statistical information based on the report is available on request for official purposes to the United States Coast Guard and its successor agency.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.

Approved April 13, 2004.