



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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(Click on Issue above for previous Wrap-Ups)

## BILL INTRODUCTION DEADLINE

The number of bills introduced in the Senate has reached 967. The House bill count is 1,329. Monday, March 7, as the 55<sup>th</sup> day of the 2011 session, is the final date for the introduction of bills without suspension of the Senate or House Rules, which requires a two-thirds vote of senators or delegates.

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## COURTS AND CIVIL PROCEEDINGS

### *Contributory Negligence*

Maryland's current common law doctrine of contributory negligence standard bars a plaintiff from receiving any damages for an injury if the plaintiff's own negligence contributed in any way to the harm. Maryland is one of five jurisdictions, along with Virginia, Alabama, North Carolina, and the District of Columbia, that retains this doctrine. Forty-six states follow the doctrine of comparative negligence, under which a plaintiff's recovery can be reduced if the plaintiff was partially at fault. The Maryland Judiciary recently began a study regarding the process and consequences of changing the Maryland standard from contributory negligence to comparative negligence through judicial action.

An emergency bill, The Maryland Contributory Negligence Act ([HB 1129](#)), codifies the contributory negligence standard so that it remains an affirmative defense that may be raised by a party being sued for damages for wrongful death, personal injury, or property damage.

### *Domestic Violence Protective Orders*

Committees in both chambers held hearings this week on legislation that:

- expands the definition of abuse as it applies to petitions for protective orders to include harassment, trespassing, and the malicious destruction of property, making the acts for which a protective order can be issued the same as the underlying acts for a peace order ([SB 653/HB 416](#));

- requires a petition for a protective order to be filed within 30 days after the alleged act of abuse on which the petition is based, conforming it with the time limit for filing a petition to obtain a peace order ([HB 805](#));
- authorizes a judge to order a respondent in a final protective order to be monitored through GPS tracking or similar technology if the judge finds by clear and convincing evidence that the respondent presents a risk of abuse to any person eligible for relief ([HB 872](#));
- requires a court to order a person charged with a violation of an interim, temporary, or final protective order to undergo a mental health evaluation ([SB 587](#)); and
- expands the relief available in a final protective order by authorizing a judge to order any other relief the judge determines to be appropriate under the circumstances to protect a person eligible for relief ([SB 674](#)). A similar bill, [HB 1018](#), gives the same authority to a judge as well as authority to order the respondent to remain a specific distance away from a person eligible for relief and to prohibit the respondent from being on a public or private road or parking lot adjacent to the residence of a person eligible for relief without a lawful purpose.

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## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

### *Domestic Violence Assault*

A separate crime of domestic violence assault, distinguished from other assaults by the victim being in a certain domestic or personal relationship with the offender, is established by [SB 651/HB 820](#). The offense is a misdemeanor with a maximum penalty of 10 years in jail and a \$2,500 fine. A defendant who has previous convictions for specified offenses against the same victim is subject to enhanced penalties including mandatory minimum jail time that may not be suspended. Two or more previous convictions make the crime a felony.

*Serious Physical Injury - Strangulation and Suffocation*

**SB 593/HB 819** expand the definition of “serious physical injury” to include strangulation and suffocation with respect to first degree assault, reckless endangerment, abuse or neglect of a vulnerable adult, and local domestic violence fatality review teams.

*Child Neglect*

Administration bills **SB 178/HB 162**, with committee hearings this week, establish the felony crime of child neglect that carries a maximum penalty of 10 years in jail and a \$10,000 fine. Neglect of a minor by a parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor is included in the crime. Neglect is defined as the intentional failure to provide necessary assistance and resources for the physical needs of a minor, including food, clothing, toileting, essential medical treatment, shelter, or supervision.

*Sex Offender Tracking*

**SB 208** and **HB 594** require a court to require certain sex offenders to register for electronic tracking with the Department of Public Safety and Correctional Services as a condition of probation and wear an electronic tracking device at all times after release from custody and for a specified period of time. The required period is a lifetime for Tier III offenders (those who commit the most serious crimes) and certain re-offenders whose victims were minors. The court may also specify, as a condition of probation, geographic locations to which the defendant may not travel. The bills differ slightly in the category of offenders to which they apply.

*Life Sentence - Parole*

Currently, a Maryland inmate serving a term of life imprisonment may only be paroled with the approval of the Governor. **SB 172**, which remains in a Senate committee, repeals this provision. The companion bill, **HB 302**, as amended and given preliminary approval by the House, now provides that if the Patuxent Institution Board of Review or the Maryland Parole Commission decides to grant parole to an eligible prisoner sentenced to life imprisonment who has served 25 years without application of diminution credits, and the Governor does not transmit a written disapproval of the decision within 90 days, the grant of parole becomes effective.

*Juvenile Services*

The Senate passed **SB 62** that, as amended, authorizes the Maryland State Department of Education (MSDE) and the Department of Juvenile Services (DJS) to share education records of juveniles receiving MSDE

educational services in a DJS facility when necessary to ensure the appropriate delivery of services for juvenile services educational programs.

*Failed Legislation – Synthetic Marijuana*

**SB 171** would have designated several chemical compounds known as synthetic cannabinoids as Schedule I controlled dangerous substances (the companion bill, **HB 189**, also failed.).

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## **ECONOMIC AND BUSINESS ISSUES**

*Public Utilities*

The Maryland Offshore Wind Energy Act bills (**SB 861/HB 1054**) are Administration proposals that require the Public Service Commission (PSC) to order certain electric companies to enter into long-term power purchasing agreements (PPAs) with at least one “qualified offshore wind generator,” defined as a wind energy generation facility that is located in the Atlantic Ocean; is at least 10 nautical miles from the shoreline; or is within federal waters adjoining another state within the Pennsylvania-New Jersey-Maryland Interconnection region. Under the measures, the PSC must establish surcharges equitable among customers to cover costs of establishing the purchase agreements. The PSC may implement a special assessment of up to \$3 million between fiscal 2011 and 2013.

A 500-MW offshore wind project could, among other things, supply enough electricity to power 79% of all the homes on the Eastern Shore of Maryland or more than half the homes in Baltimore City; provide price stability; reduce emissions of carbon dioxide by 945,000 tons each year; generate enough clean energy to satisfy between 10% and 15% of Maryland’s 2022 renewable energy goals; and have a significant economic impact.

Another alternative energy bill, **HB 658**, enables the PSC to authorize utilities to operate as sustainable energy utilities (SEUs) to provide their energy products directly to residential property owners via a qualified contract. An SEU may contract with individuals or groups owning residential property to install sustainable energy products, such as solar panels or geothermal heating systems. Qualified contracts tie the investments to the property to be recorded in land records and are regulated by the PSC to ensure that savings to the property owner outweigh the cost of the contract.

**SB 271/HB 275** passed in their chambers of origin with amendments. These bills add a closed conduit hydroelectric generating facility to the list of facilities eligible for net energy metering. The bills also change the definition of “closed conduit hydroelectric

generating facility” to one that generates electricity within existing piping or limited adjacent piping of a potable water supply system, is owned or operated by a municipality or a public water authority, and is designed to produce less energy than is consumed to operate the water supply system.

#### *Economic Development*

Bills creating a Green Business Incentive Zone Program ([SB 646/HB 795](#)) grant property tax credits for real property improvements and income tax credits for wages paid to qualified employees to certain green businesses, those primarily engaged in technologies or services related to renewable energy, energy storage, and energy efficiency and conservation. The Department of Business and Economic Development may designate up to six green business incentive zones in a calendar year.

#### *Labor and Employment*

This week, a Senate committee listened to testimony on raising the State minimum wage. [SB 716](#) requires employers to set the minimum wage at \$8.25 per hour as of July 1, 2011, and increases the rate in subsequent years to \$9.00 (effective July 1, 2012) and \$9.75 (effective July 1, 2013). The rate would increase if the federal minimum wage is set at a higher rate. Furthermore, the bill expands the Maryland Wage and Hour Law to include additional industries and classes of workers, changes overtime laws for certain industries, and reduces the tip credit to 25%, down from 50%. The crossfiled bill is [HB 988](#).

[SB 660](#) prohibits employers from employing or refusing to employ an individual based on membership or nonmembership in a union, prohibits employers from requiring individuals to refrain from joining a union or requiring individuals to join a union, and prohibits employers from requiring employees to pay dues or other charges to a union. [HB 743](#) is a related measure.

#### *Alcoholic Beverage Licensing*

Crossfiled bills [SB 248/HB 234](#) repeal the State’s direct wine *seller’s* permit and establish a direct wine *shipper’s* permit, allowing persons licensed as wine shippers to ship wine directly to certain consumers. Similar legislation has been introduced for the last three legislative sessions but has failed. A related measure, [HB 1175](#), is also being considered.

Several bills allowing persons in restaurants and/or clubs to consume wine that was not purchased on the licensed premises are on the legislative agenda. The bills allow these licensed establishments to charge customers a fee, commonly known as a corkage fee, for permitting the consumption of wine with a meal. Bills affect Baltimore

City ([SB 614/HB 114](#)) and the following counties: Baltimore ([SB 276](#)), Frederick ([SB 166/HB 150](#)), Montgomery ([HB 544](#)), and Prince George’s ([HB 1098](#)).

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## EDUCATION

#### *Concussion Awareness in Student Athletes*

[HB 1](#) addresses concussion awareness in student athletes by requiring local boards of education and the Maryland Public Secondary Schools Athletic Association to establish guidelines for the evaluation and management of head injuries in youth athletes. A similar bill, [HB 858](#), mandates that Maryland State Department of Education provide concussion awareness to coaches, school personnel, student athletes, and parents in collaboration with the Department of Health and Mental Hygiene, local boards of education, and others. Both bills expect concussion awareness to address the nature and risk of head injury, the criteria for removal and return to the game of a student who has sustained a head injury, and the risks of not reporting a head injury and returning the youth to play.

#### *Task Force to Study the Creation of a Maryland Center for School Safety*

With approval by the House, [HB 79](#) now goes to the Senate. The bill requires the Task Force to establish a clearinghouse for information and materials; develop a training program; collaborate with the State Department of Education to establish a statewide data collection system; develop security criteria to consider in the design of new school construction; create model interagency agreements to address discipline and safety issues; and develop a model safety and security audit procedure. The companion bill is [SB 772](#).

#### *Tuition Charges - Maryland High School Students*

A Senate committee significantly amended and favorably reported [SB 167](#) to exempt specified individuals who attended and graduated from Maryland high schools from paying out-of-state tuition at a community college. These persons are also exempt from paying out-of-state tuition at a public institution of higher education in Maryland if they first attend community college in the State and are awarded an associate’s degree or obtain 60 credit hours. Additional qualifications for the exemption require that the individual must:

- have attended a secondary school in the State for at least two years;
- have graduated from a high school in the State or received the equivalent of a high school diploma in the State;

- register as an entering student at a community college within four years of graduating from high school;
- register at a public four-year institution within four years of obtaining an associate's degree or 60 credits; and
- provide documentation that the individual or the individual's parent or guardian has had Maryland income tax withheld during the year prior to high school graduation and annually before, between, and during attendance at community college and/or a public institution of higher education.

An individual who qualifies for the exemption and is not a permanent resident must also provide an affidavit stating that the individual will file an application to become a permanent resident within 30 days after becoming eligible to do so. Documented immigrants who are in the country on student visas do not qualify for the exemption, but otherwise the exemption applies regardless of residency status. The governing board of each public institution of higher education must adopt policies to implement the bill. [HB 470](#), the original companion measure, is scheduled for House committee consideration next week.

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## **ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE**

### *Oysters and Fishing*

[HB 273](#) has moved to the Senate. The bill revokes a license to catch oysters for anyone caught taking oysters unlawfully and creates a citation, hearing, license revocation, and appeals process. The companion measure, [SB 159](#), is in the House.

Bills heard by a committee this week include:

- [SB 538](#) that prohibits the Department of Natural Resources (DNR) from designating more than 25% of the available oyster habitat in the waters of the State as oyster sanctuaries;
- [SB 635](#) that provides for the revocation of a license for the unlawful taking of striped bass or crabs and requires adoption of regulations that establish grounds for the revocation and an appeals process. The crossfiled bill is [HB 1154](#);
- [SB 655](#) that establishes enhanced penalties for a person who commits a commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities

without an appropriate license or authorization. The crossfiled bill is [HB 1225](#); and

- [HB 966](#) that requires the Department of the Environment (MDE) to use the most reliable available test to detect *Escherichia coli* (E. coli) in determining whether to restrict, or lift any restrictions on, an area for the catching or storing of shellfish.

### *Marcellus Shale Formation*

Testimony has been given on bills that address the impact of the hydraulic fracturing process proposed for natural gas exploration and production in the Marcellus Shale formation that underlies parts of Western Maryland. [SB 422/HB 411](#) require MDE to submit regulations related to the environmental impact of natural gas exploration and production by December 31, 2011. [SB 634/HB 852](#) more specifically identify permitting, monitoring, and coordination requirements.

### *Phosphorus*

Several bills reduce the amount of phosphorus in commercial dishwashing detergent. [HB 53](#), which as amended extends the date after which detergent used in commercial dishwashers may not contain more than 0.5% phosphorus from July 1, 2010, to until January 1, 2013, is in the Senate. [SB 320](#) and [SB 751](#), which as amended create a similar extension and a fine for a second violation, respectively, have received the Senate's preliminary approval.

### *Septic and Sewage*

[SB 372](#) has received preliminary approval by the Senate. As amended, the bill requires MDE to evaluate and rank nitrogen removal technologies for septic systems and advise local governments and citizens regarding nitrogen reduction technologies for septic systems that are approved as eligible for Bay Restoration Fund assistance. The crossfiled bill is [HB 347](#).

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## **FISCAL MATTERS**

### *Budget Reconciliation and Financing Act of 2011*

Early this week, the Budget Reconciliation and Financing Act (BRFA), [HB 72](#), was the subject of a packed and lengthy committee hearing. The BRFA makes changes to existing law to reduce required expenditures and transfers funds to the General Fund to balance the State's operating budget ([HB 70](#)). The BRFA hearing was also coupled with the presentation of the fiscal plan to balance the budget by the minority members of the General Assembly. Their proposals reduce the fiscal 2012 budget by an additional \$621

million. The reductions eliminate the legislative scholarship program for a savings of \$11.7 million in fiscal 2012, eliminate the Geographic Cost of Education Index for a savings of \$120.3 million, reduce Medicaid error rates and eliminate non-emergency outpatient hospital visits for a savings of \$50 million, eliminate the proposed one-time \$750 State employee bonus for a savings of \$39.4 million, and mandate a 2% across the board reduction in State agency expenses. Additionally, the proposals include a repeal of the sales and corporate income tax increases of 2007, but there are no transfers of money from the Bay Restoration Fund and the Transportation Trust Fund.

#### *Motor Vehicle Fuel Taxes*

[HB 1059](#) increases the State motor fuel tax rate for all fuels, except aviation gasoline and turbine fuel, by 20 cents per gallon. After an initial increase of 10 cents per gallon, the remaining rate increase is phased in semi-annually by 2 cents per gallon over two years. In fiscal 2012 and 2013, the bill requires a transfer of motor fuel tax revenues to the general fund in an amount equal to the revenue generated from the 10 cents per gallon tax increase. The bill takes effect July 1, 2011.

Companion bills, [SB 714/HB 1001](#), beginning July 1, 2011, increase the State motor fuel tax rate for all fuels, except aviation gasoline and turbine fuel, by 10 cents per gallon. Under the bills, beginning July 1, 2013, the motor fuel tax rate is effective for one year and every subsequent year, on July 1, the motor fuel tax rate must be increased in accordance with the annual percentage growth in the construction cost index, up to one cent per gallon annually; or maintained at its current level if there is no increase in the annual percentage growth in the construction cost index. Beginning July 1, 2011, State vehicle registration fees increase by 50% for all classes of vehicles.

#### *Transportation Trust Fund*

In addition to changing the motor vehicle fuel tax rates, [SB 714/HB 1001](#) also amend the Maryland Constitution to include the Transportation Trust Fund (TTF) and establish rules for its operation and funding. The bill places constitutional restrictions on transfers from TTF and use of TTF monies. It states that constitutional requirements for a majority approval of the amendment in a local jurisdiction do not apply and calls for the amendment to be submitted for a statewide vote at the next general election to be held in November 2012. The bill takes effect July 1, 2011, except for specified TTF provisions that are subject to constitutional amendment. Other proposed constitutional amendments to place constitutional restrictions on transfers from the TTF but

do not increase taxes ([HB 591](#) and [SB 677](#)) have hearings next week.

#### *Estate Tax - Exclusion of Qualified Agricultural Property*

[SB 764/HB 721](#) exempt from the State estate tax up to \$5 million of qualified agricultural property. To qualify for the exemption, the property must pass from a decedent to a qualified recipient who enters into an agreement to use the property for farming purposes after the decedent's death. In addition, the bills specify that the estate tax imposed on qualified agricultural property included in an estate cannot exceed 5% of the value of the qualified agricultural property that exceeds \$5 million. The bills take effect July 1, 2011, and apply to deaths that occur after December 31, 2010.

#### *Disciplinary Fund of the Attorney Grievance Commission*

[HB 765](#) requires any unspent portions of the Disciplinary Fund to revert to the general fund and requires the Commission to submit its annual budget to the Department of Budget and Management.

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## **HEALTH CARE AND HEALTH INSURANCE**

### *Medical Marijuana*

Companion measures ([SB 308/HB 291](#)) heard this week authorize the use of marijuana for medical purposes under specified circumstances. The bills set up a system whereby the Department of Health and Mental Hygiene (DHMH) must license growers and dispensaries and must select the fewest number of authorized growers necessary to provide a supply of marijuana to meet the anticipated demand of qualifying patients.

The legislation makes marijuana a Schedule II, rather than a Schedule I, controlled dangerous substance and also allows doctors to recommend marijuana to certain patients. DHMH must establish a registry of qualifying patients and issue a registry identification card with a photograph to a qualifying patient who submits any required application or renewal fee (which may be based on a sliding scale) and other information to DHMH.

Among other requirements, the information must include written certification from a physician with whom the patient has a *bona fide* physician-patient relationship and whose treatment of the patient is not limited to authorization to use medical marijuana or consultation for that purpose. The certification must also include a statement by the physician that the potential benefits of medical marijuana use likely outweigh the risks to the patient and that the patient has a debilitating medical condition for which recognized drugs or treatments

would be ineffective or for which other treatment options have more side effects.

#### *Definition of Abuse and Required Guidelines*

**SB 384/HB 346** alter the definition of “abuse” for purposes of certain reporting requirements related to State facilities and residential centers. “Abuse” does not, for those purposes, include the performance of appropriate actions taken by an employee of a State facility or residential center to protect the employee or other individuals in the facility or center that involve the least amount of restriction required to provide the necessary protection. In consultation with employee organizations, DHMH must develop guidelines regarding appropriate methods of protection and restraint to be used by employees of a facility.

#### *Telemedicine*

Recently, a Senate committee heard testimony on legislative proposals related to telemedicine, which is the use of medical information exchanged from one site to another via electronic communications to improve a patient’s health status. **SB 298** requires insurers, nonprofit health service plans, and health maintenance organizations (carriers) to reimburse licensed health care providers for a covered service rendered by telemedicine at the same rate established by the carrier for the same or a substantially similar service that is rendered in person. A similar proposal, **SB 744**, requires carriers to provide coverage for a “telemedicine service” and to reimburse a health care provider for a “telemedicine service” under specified circumstances.

Another bill, **SB 406**, establishes a Task Force to Study the Use of Telemedicine in Medically Underserved Populations and Areas and requires the Task Force to submit a report to the Governor and certain legislative committees. Two bills addressing telemedicine were reported unfavorably out of committee early this week - **HB 14** (failed) and **HB 16** (failed).

#### *Biennial Cancer Study*

**SB 574** requires the Biennial Cancer Study conducted by DHMH to measure possible environmental causes (including chemical agents and other toxins found in the air, water, and soil) of cancer and requires reporting of the results to the Governor and the General Assembly.

#### *Abortion*

A Senate committee took testimony on **SB 505** that alters the definition of “ambulatory surgical facility” as it pertains to licensing to include any entity that provides abortion through the use of surgical services. The bill further alters the definition of “surgical services” to include the use of two types of instruments: uterine

curettes and manual vacuum aspirator curettes introduced into the uterus for the purpose of abortion. In current law, doctors’ offices and freestanding health care clinics, where abortions are performed, are not licensed by DHMH, although the State does license “freestanding ambulatory care facilities,” which include ambulatory surgical facilities, freestanding endoscopy facilities, freestanding facilities utilizing major medical equipment, kidney dialysis centers, and freestanding birthing centers. Fifteen states currently require abortion providers to either be licensed as ambulatory surgical centers or meet similar requirements. A similar bill, **HB 23**, is slated for a hearing by a House committee next week.

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## STATE GOVERNMENT

#### *Electronic Records*

The Maryland Public Information Act grants the public a broad right of access without unnecessary cost or delay to records that are in the possession of State and local government agencies. Custodians have a responsibility to provide such access in copies, printouts, or photographs unless the requested records fall within one of the exceptions in the law.

**SB 740/HB 37** expand access to public records by requiring a custodian to provide a copy in a searchable and analyzable electronic format under specified circumstances. The custodian is authorized to remove metadata from an electronic document before providing it to an applicant, and a custodian may charge an applicant a reasonable fee for the making of an electronic copy. With the advent of new screen reading software for computers and handheld devices, the bill’s provisions give greater access to public records to individuals who are blind or with low vision. In 2009, an estimated 96,200 State residents were either blind or had serious difficulty seeing even when wearing glasses.

#### *State Pensions and Retirement*

A number of bills address the current system whereby the State pays the full share of the cost of teacher pensions. Among the measures that have been discussed at committee hearings:

- **SB 628** requires local school boards, community colleges, and libraries to pay one-half of the total retirement costs for their employees. Additional State education aid is provided on a wealth equalized basis to offset one-half of the cost to be paid by local school boards but not other local employers. This bill also increases eligibility requirements for retiree health care benefits provided to retired State employees and restructures pension benefits for

current and future members of the State Retirement and Pension System;

- [SB 629](#) requires local school systems, community colleges, and libraries to pay a portion of employer pension costs for their employees who are members of the Teachers' Retirement System or Teachers' Pension System beginning July 1, 2012. The local share of employer pension costs for an employee is the portion of total employer costs that is based on the amount of an employee's salary that exceeds the median annual salary; and
- [SB 735](#) closes all of the State's defined benefit pension plans to new State employees and teachers hired after June 30, 2011, except for the Governor's and Legislative Pension Plans. State employees and teachers hired on or after July 1, 2011, are members of the Optional Retirement Program, a defined contribution plan, as a condition of their employment.

A number of other measures related to teacher pensions are scheduled for hearings next week, including [HB 1061](#) that proposes an amendment to the Maryland Constitution to prohibit the General Assembly from requiring any political subdivision of the State to pay the employer contributions on behalf of any employee of the political subdivision who is a member of the Teachers' Retirement System or Teachers' Pension System.

Among the bills that have moved from the House to the Senate related to other aspects of State pensions and retirement are:

- [HB 176](#) that reduces from nine to five the number of years that a retiree of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System must wait in order to be exempt from a reemployment earnings limitation if the retiree is hired by the individual's last employer prior to retirement;
- [HB 335](#) that requires that the 10 years of service in the State Retirement and Pension System that are necessary to claim and be granted military service credit for prior military service be earned through employment as a member of a State system. The bill is not expected to affect retirement benefits for many members, but instead is designed to prevent future abuse. [SB 356](#) is the companion measure; and
- [HB 338](#) that authorizes the State Retirement Agency to post the names of former members, retirees, or beneficiaries of former members or retirees of the State Retirement and Pension System and the last

participating employer of the former members or retirees on the State Retirement Agency's Web site if the former members, retirees, or beneficiaries are entitled to unclaimed money from the State Retirement and Pension System. [SB 359](#), the companion measure, has received a favorable Senate committee vote.

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## TRANSPORTATION

### *Texting While Driving*

[HB 196](#) passed the House with the addition of several sponsors. It prohibits a driver from reading any text message while in the travel lane of a roadway, whether or not the car is in motion. A companion bill, [SB 424](#), passed second reading in the Senate without amendment, although floor amendments were offered.

### *Drunken Driving*

Companion bills [SB 483/HB 574](#) provide that a judge or jury may determine that a drunken driver with a blood alcohol content of 0.15 or more who causes injury or death is acting with malice, and may be liable for punitive damages. If the driver has a blood alcohol content of .08 or more but is driving under a suspended or revoked license, the same penalty may apply.

### *Transportation Procurement and Holocaust Deportations*

Companion bills [SB 479/HB 520](#) require all bidders on a procurement contract for MARC train service to disclose whether they have any records on the deportation or the belongings of prisoners sent to Nazi death camps between January 1, 1942, and December 31, 1944. One potential bidder is a subsidiary of the French National Railroad SNCF, which deported prisoners in cattle cars from France during World War II. Bids are expected to be sought for MARC train service on the Camden and Brunswick Lines, which is currently provided by CSX Transportation.

### *Chesapeake Bay Bridge*

A hearing was conducted recently on [SB 520](#) to require an environmental impact study for a third bridge crossing the Chesapeake Bay. Locations would be either adjacent to the existing dual bridges between Anne Arundel County and Kent Island, or at another location chosen by the Department of Transportation. One report estimates that by 2025, traffic on the existing dual bridge will have increased by 41% over 2001 levels. Similar bills introduced in 2010 and 2009 received unfavorable committee reports.