



The Legislative Wrap-Up

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COURTS AND CIVIL PROCEEDINGS

Divorce

Companion bills ([SB 139/HB 402](#)) that change the requirements for a divorce based on the grounds of separation have crossed to the opposite chambers. The bills reduce the period of time the parties in the divorce action must have lived separate and apart without cohabitation and without interruption before filing for absolute divorce from two years to 12 months and repeal existing law concerning divorce on the grounds of voluntary separation.

[SB 814/HB 770](#) (both failed) would have authorized a court to assign ownership of a pet when there is an ownership dispute during the granting of an annulment or a divorce.

Domestic Violence - Protective Orders

The House passed [HB 407](#), which allows an interim, temporary, or final protective order to award temporary possession of any pet of a person eligible for relief or a respondent.

[HB 872](#) (failed) would have authorized a judge to order a respondent in a final protective order to be monitored through global positioning satellite 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.

and expands the data collection and reporting requirements by adding data concerning strip searches and body cavity searches. The bill also requires law enforcement agencies to adopt a policy against race-based traffic stops, strip searches, and body cavity searches. All of the bill's provisions terminate in two years.

Child Neglect

Administration bills [SB 178/HB 162](#), which establish the misdemeanor of child neglect, crossed to opposite chambers. The amended bills no longer have the same definition of "neglect" or the same penalty provisions. 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.

Novelty Lighters

As introduced, [SB 112](#) would have made it a misdemeanor to sell or offer to sell a "novelty lighter" at retail or distribute a novelty lighter for retail sales in this State. The Senate adopted amendments that change the crime into a civil offense with a maximum penalty of \$250 and gave the bill approval. The companion bill ([HB 192](#)) failed a House committee vote.

Human Trafficking

As amended and passed in the Senate, [SB 327](#) authorizes a court to order a defendant convicted of human trafficking to pay restitution to a victim for certain incurred expenses. The bill also authorizes a person convicted of prostitution to file a petition for expungement of certain records if the person's involvement in prostitution was the result of having been a victim of human trafficking.

Animal Welfare

Identically amended, [SB 115/HB 227](#) crossed to opposite chambers. The bills authorize a court, as a condition of probation, to prohibit a defendant convicted of aggravated cruelty to an animal or abuse or neglect of an animal from owning, possessing, or residing with an animal.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Race-Based Traffic Stops and Body Searches

As amended and passed in the House, [HB 130](#) reconstitutes statutory provisions (that expired in 2010) that establish a traffic stop data collection and reporting program and require law enforcement agencies to adopt a policy against race-based traffic stops. The data collection and reporting program provisions terminate in three years.

Passing a preliminary Senate floor vote, [SB 14](#) reconstitutes the same statutory provisions as [HB 130](#)

Parole

[SB 172](#) and [HB 302](#) advanced to opposite chambers to provide 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 a specified number of days, the grant of parole becomes effective. After amendment, [SB 172](#) specifies 180 days, and [HB 302](#) specifies 90 days.

The House passed [HB 1174](#), which authorizes the parole commissioner who hears an inmate's parole revocation to require the inmate to serve any unserved portion of the original sentence and to apply diminution credits that were awarded before the inmate's release on parole toward the inmate's term of confinement on return to prison.

Gun Bills - Favorable Action

Legislation that gained approval in its original chamber includes:

- [HB 730](#), which establishes a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms that must submit a report by the end of the year;
- [HB 241](#), which expands prohibitions and restrictions against the use and possession of firearms, including shotguns and rifles; and
- [SB 174](#), an Administration bill that expands the current misdemeanor prohibition against the use of a handgun or concealable antique firearm in the commission of a crime of violence or felony to apply to any "firearm," without regard to its capability of being concealed. The companion bill ([HB 161](#)) failed a committee vote.

Gun Bills - Failed

Committees denied legislation that related to:

- detachable magazines - maximum capacity for ammunition ([HB 330](#) and [HB 1008](#), both failed);
- handgun permits - repeal of finding requirement by the Secretary of State Police ([HB 343](#), failed);
- regulated firearms - applications for dealer's license - record keeping and reporting requirements ([HB 1043](#), failed); and
- possession of a handgun - institutions of higher education and hospitals ([HB 803](#), failed).

Failed Legislation - Abandoned Refrigerators

[HB 971](#) (failed) would have changed the current prohibition on abandoned refrigerators from a misdemeanor crime to a civil offense subject to a maximum fine of \$5,000.

ECONOMIC AND BUSINESS ISSUES

Direct Wine Shipping

[HB 1175](#), with preliminary House approval, establishes a direct wine shipper's permit, allowing holders of the permit to ship wine directly to consumers in the State. Under this measure, the permit is available to a person licensed outside of the State to engage in the manufacture of wine or to a holder of a State Class 3 wine manufacturer's (winery) license. The bill also establishes a common carrier permit, required for transporting wine from a direct wine shipper to a consumer. Similarly, [SB 248](#) also establishes a direct wine shipper's permit and a common carrier permit, and, as amended, excludes retailers from shipping to consumers. This bill has passed a preliminary Senate floor vote. Companion bill [HB 234](#) (failed) was withdrawn, as was related measure [HB 1079](#) (failed).

Economic Development Opportunities Program - Wind Turbines

An Administration bill, [HB 1227](#) (failed), that would have added wind turbine manufacturing to the list of eligible economic opportunities or projects that could be funded under the Economic Development Opportunities Program Account, was withdrawn. The companion bill, [SB 881](#), remains in a Senate committee.

Public Utilities - Customer Service

[SB 244/HB 597](#) require the Public Service Commission (PSC) to maintain and update a page on its website dedicated to customer choice regarding their electric supplier, to publicize customer choice, and to provide specific information about the topic. The House version of the bill is now in the Senate. The Senate version passed a preliminary Senate floor vote.

Another bill, [SB 704](#), requires distribution utilities, electric and gas or electric and gas companies that are not cooperatives, to provide certain customer information to competitive suppliers. Competitive suppliers may use the information for marketing purposes only, and customers may opt-out of having their information shared. As amended, the bill applies only to residential customers. The bill passed a second reading floor vote in the Senate.

Public Utilities - Failed Bills

Bills dealing with various aspects of public utility regulation, as well as bills aimed at increasing the use of renewable energy, have failed:

- [SB 734](#) (failed) would have required electric companies to submit long-range plans to the PSC detailing their plans to meet their electricity needs;
- [SB 521](#) (failed) would have aimed at reregulating the electric market;
- [SB 459](#) (failed) would have maintained that the primary objective of the PSC is to obtain the lowest electricity and gas rates for consumers;
- [SB 460](#) (failed) would have required nuclear generating facilities to disclose certain information to the PSC regarding finances and nuclear waste storage;
- [SB 648/HB 662](#) (both failed) would have required retail electric customers to pay a surcharge on excessive electric use, with surcharge fees going to the Maryland Strategic Energy Investment Fund and rebates given to retail customers purchasing energy from a Tier 1 renewable energy resource; and
- [SB 619/HB 708](#) (both failed) would have required the PSC to require telephone companies to conduct line assessments to test quality and reliability every three years.

EDUCATION

Task Force for School Safety

The Senate passed [SB 772](#) that directs the task force to study and recommend criteria for creating a central location for school safety study and for providing schools with training, research, and data to reduce youth violence and promote safety. The companion bill, [HB 79](#), remains in a Senate committee.

Regulation of For-Profit Institutions

Enrollment in for-profit institutions of higher education is increasing rapidly. Recent federal government reports found that 4 out of 15 for-profit institutions had engaged in potentially deceptive or questionable recruiting practices. Additionally, based on a three-year cohort rate, 25% of students at these institutions have defaulted on their federal student loans by the third year of repayment compared to about 11% who attended public colleges.

[SB 695](#), as amended and passed by the Senate, distinguishes between three types of higher education

institutions in the State: public, private nonprofit, and for-profit institutions. In general, the Senate bill with amendments:

- clarifies the scope of the Maryland Consumer Protection Act to include the unfair or deceptive offer for sale of course credit or other educational services;
- creates a new Guaranty Fund, with specific contributions from for-profit institutions, to reimburse students at for-profit institutions who are entitled to a refund of tuition and fees due to an institution's breach of agreement or contract with the student or the State;
- prohibits the payment of a commission, bonus, or other incentive payment based on success in securing enrollment; and
- clarifies the role of the Maryland Higher Education Commission and other State programs and entities relative to for-profit institutions.

ELECTIONS AND ETHICS

Campaign Finance Law

Among other responsibilities, a Commission to Study Campaign Finance Law will consider issues related to campaign contributions and public financing of statewide and legislative election campaigns. A December report will include any proposed changes to the law for consideration during the 2012 session. The House joint resolution ([HJ 7](#)) passed that chamber.

Voter Registration - Exchange of Information

A recent study shows that state voter registration systems "have been unable to keep up with technological advances or with America's rapidly changing – and increasingly transient – society," thus reducing accuracy and integrity and increasing maintenance costs. Companion bills ([SB 765/HB 561](#)), moving through both chambers, authorize Maryland to work with a number of other states to create a data center to be operated and controlled by the states to allow them to submit voter lists, motor vehicle data, and other data on a registered or eligible voter that would be standardized, collated, matched, and returned to election officials who, at their discretion, could take action as deemed appropriate. The center would be structured to ensure that the data would not be disclosed or used for purposes not related to voter registration.

Compliance with Federal MOVE Act

The Senate passed on a preliminary vote [SB 501](#) that, among its amendments, changes the date for the gubernatorial election to the third Tuesday in June, rather than the second Tuesday in July as originally drafted. Another bill ([HB 671](#)) on the same topic passed the House this week.

**ENVIRONMENT, NATURAL RESOURCES,
AND AGRICULTURE**

Oysters and Fishing

Several House bills that regulate harvesting of seafood have moved to the Senate for consideration:

- [HB 111](#), as amended, authorizes the Department of Natural Resources (DNR), in consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations to define and govern the use of recreational and specific commercial fishing gear;
- [HB 1154](#), as amended, provides for the revocation of a license for knowingly and unlawfully taking striped bass or crabs. [SB 635](#), the bill's companion, is in the House; and
- [HB 1240](#) expands to all counties the authority to regulate harvesting seafood and operating a seafood business.

[HB 1252](#), now on the House floor, establishes an additional penalty for illegally taking more than \$20,000 worth of striped bass.

Lawn Fertilizer

[HB 573](#) has moved to the Senate. As amended, the bill limits the amount of nitrogen and phosphorus in turf fertilizer used in the State, sets application restrictions, and establishes labeling requirements. The crossfiled bill, [SB 487](#), remains in committee.

[HB 687](#) (failed), which would have would have set nitrogen limits and labeling requirements for turf fertilizer, and [HB 706](#) (failed), which would have expanded existing restrictions on the use of phosphorus in fertilizer, received unfavorable reports. The crossfiled bills, [SB 544](#) and [SB 546](#), respectively, remain in committee.

Marcellus Shale Formation

[HB 852](#) has moved to the Senate. Amended, the bill halts approval of the hydraulic fracturing process for drilling for oil or natural gas in the Marcellus Shale formation in Western Maryland until the Department of

the Environment and DNR have issued a report on the process and its impact on the State, due August 31, 2013. The crossfiled measure, [SB 634](#), remains in committee.

[SB 422/HB 411](#) (both failed), which would have required DNR to establish regulations for the exploration of oil and gas in the Marcellus Shale formation by December 31, 2011, received unfavorable reports.

Septic and Sewage

The Senate passed on a preliminary vote [SB 539](#), which expands the uses of the Septics Account of the Bay Restoration Fund to include providing grants or loans for connecting a property served by a septic system to an existing municipal wastewater facility with enhanced nutrient removal level treatment. The crossfiled bill, [HB 57](#), is in the Senate.

Hunting

[HB 301](#), which expands DNR's authority to suspend hunting licenses, was heard in a Senate committee.

FISCAL MATTERS

Operating Budget

[HB 70](#), the Budget Bill, passed the House with 162 amendments, reducing the Governor's allowance for fiscal 2012 by \$708 million, including \$97 million in general fund reductions, which are in addition to the reductions in the Governor's proposal, and eliminating 674 State employee positions. The Senate committee will report the bill to the Senate floor next week.

The House budget proposal reduces the State's long-term structural deficit by 40% or \$785 million, exceeding the Spending Affordability Committee's recommendation of a one-third reduction. The House budget bill also maintains the Governor's proposal to eliminate State employee furloughs and to grant a one-time \$750 employee bonus. Other major actions taken by the House address:

- education funding – restored \$58.5 million of the \$93.7 million Governor's reduction, leaving a reduction of \$34.2 million;
- nonpublic school textbook aid – reduced \$444,000, leaving \$4 million;
- University System of Maryland office – reduced \$8.1 million;
- Sustainable Communities Tax Credit Program – restricted expenditure of \$3 million, which may be transferred to the Film Production Rebate Program,

of the \$10 million for tax credits for qualified rehabilitation expenditures;

- State Department of Assessments and Taxation – restored \$12.7 million, leaving a reduction of \$15.9 million reflecting a proposal in [HB 72](#), the Budget Reconciliation and Financing Act of 2011, to require the counties and Baltimore City to pay 50% of the costs of assessing property rather than the originally proposed 90%;
- medical assistance – reduced \$34.1 million, reflecting cost containment, lower funding for managed care organizations’ incentive payments, and lower non-emergency transportation grants;
- Department of Public Safety and Correctional Services, Division of Corrections – required submittal of a plan for reducing the State’s inmate population by a sufficient number that one facility may be closed; and
- Preservation of Cultural Arts Program – deleted \$1 million.

Budget Reconciliation and Financing Act of 2011 (BRFA)

[HB 72](#), also known as the BRFA, passed the House with amendments that:

- increase aid to education by \$58.5 million above the Governor’s request by reducing the contingent reduction;
- increase the land record surcharge from \$20 to \$40 for fiscal 2012 through 2016;
- modify State aid for community colleges. For fiscal 2012 the amount per full-time equivalent student is 20% of State general fund assistance per full-time equivalent student to State universities and colleges, but the percentage decreases to 18.5% for fiscal 2013 and 2014, and then begins to increase in subsequent years;
- modify the Joseph A. Sellinger Program of State aid for private nonprofit institutions of higher education. For fiscal 2012 the amount per full-time equivalent student is 9.2% of the State’s general fund assistance per full-time equivalent student to State universities and colleges, but the percentage increases at a slower rate than existing law in fiscal 2013 and beyond;
- require local school systems to reimburse the Departments of Juvenile Services (DJS) or Human Resources for a portion of the costs to educate

children in State custody who are placed in nonpublic education programs and to reimburse DJS for a portion of the education costs of children placed in committed programs and residential facilities;

- cap Medicaid hospital assessments at 1.25% for averted uncompensated care to pay for the Medicaid expansion and require that \$390 million be generated by a combination of assessments and remittances on hospitals and reductions in Medicaid spending;
- charge an administrative fee to local school boards, libraries, and community colleges for the State Retirement Agency’s services in paying retirement costs;
- increase the motor vehicle certificate of title fee from \$50 to \$100 and increase the vanity tag fee from \$25 to \$50;
- increase birth certificate fee from \$12 to \$24 and increase the file search fee from \$10 to \$20;
- increase Highway User Revenues to counties and municipalities by \$13.2 million for fiscal 2012;
- reduce the percentage the counties and Baltimore City are required to reimburse the State Department of Assessments and Taxation to 50% of costs of assessing property, instead of the 90% originally proposed; and
- beginning July 1, 2012, requiring that before any Transportation Trust Funds may be transferred or diverted to the general fund, legislation be enacted establishing a schedule to repay the funds within five years. The requirement does not include Highway User Revenues provided to local governments.

The House also amended the Governor’s public employee retirement benefit proposals. The contribution by current employees in the Employee Pension Systems and Teacher Pension Systems increases from 5% to 7% while maintaining the 1.8% multiplier with the cost-of-living adjustment for current and future employees capped at 3% if the State Retirement and Pension System achieves its assumed rate of return and at 1% if the system does not.

The House also changed the State retiree prescription drug plan by requiring increased co-pays, an increased out-of-pocket cap from \$700 to \$1,000 for a retiree, but less than the original proposal of \$4,550 for the retiree, and increased the percentage of the premium paid by the retiree from 20% to 25%.

Budget Bills

With hearings last week, alternative budget balancing bills are waiting for committee voting sessions:

- [HB 1294](#), the Deficit Reduction Financing Act of 2011, executes a variety of actions to help balance the fiscal 2012 State budget and mitigate long-term structural imbalances in the State budget by redirecting special fund revenues to the general fund, controlling future cost increases, reducing mandates, eliminating programs, reducing State agency operating costs, and shifting State costs to local governments; and
- [SB 984](#), the Budget Reconciliation and Balancing Act, executes a variety of actions that help to balance the State budget, mostly by transferring special fund balances to the general fund, redirecting special fund revenues to the general fund, adjusting mandated spending levels, using other funds to cover general fund costs, controlling future cost increases, eliminating programs, and shifting State costs to local governments. The bill takes effect June 1, 2011.

Budget Bills - Failed

[HB 765](#) (failed), concerning diverting the unspent Attorney Grievance Fund surplus to the general fund, was withdrawn.

[HB 926](#) (failed), a proposed constitutional amendment, the Dedicated State Funds Protection Act, received an unfavorable committee vote.

Sales and Use Tax - Alcoholic Beverages

[SB 994](#), with a Senate committee hearing this week, increases the State sales and use tax rate imposed on alcoholic beverages from 6% to 7% for fiscal 2012, to 8% for fiscal 2013, and to 9% for fiscal 2014 and beyond. The bill specifies that revenues attributable to the sales tax rate from sales of alcoholic beverages in excess of 6% be distributed to the State's general fund. Under current law, a specified portion of all sales and use tax revenue is distributed to the Transportation Trust Fund. The bill takes effect July 1, 2011.

GAMING, RACING, AND SPORTS

Video Lottery Operation Licensee Interference

[HB 868](#) to prohibit a video lottery operation licensee from interfering with or taking any action to delay implementation of a video lottery terminal (VLT) facility was amended by a House committee this week

with nearly identical language to [SB 373](#), which passed the Senate in February.

Rocky Gap Lodge and Resort

An amended [SB 512](#), which makes the award of a VLT license in Allegany County contingent on the applicant's agreement to purchase the Rocky Gap Lodge and Resort, passed a preliminary floor vote late in the week. As amended, the bill alters the distribution of proceeds from the VLT facility in Allegany County only, for 10 years, and after 10 years, the normal distribution applies. The bill also exempts VLTs and any associated equipment or software that is owned by the State Lottery Commission from the property tax. The companion bill, [HB 565](#), is still in a House committee.

Video Lottery Terminals - Failed Bills

Failed bills would have allowed VLTs at BWI Airport ([HB 488](#) and [HB 495](#), both failed) and at alcohol licensed establishments ([HB 1010](#), failed). Other failed proposals would have repealed constitutional provisions related to gambling ([HB 384](#), failed) and would have made changes to video lottery employee licenses ([HB 882](#), failed).

HEALTH CARE AND HEALTH INSURANCE

Ambulance Service Providers - Assignment of Benefits

The Senate amended and passed [SB 154](#) to require insurers, nonprofit health service plans, and health maintenance organizations (carriers) to *directly* reimburse certain ambulance service providers that obtain an assignment of benefits for covered services provided. [HB 83](#), a similar measure, remains in committee.

Medical Marijuana

[SB 308](#), amended significantly from its original form, passed in the Senate. The amended legislation establishes that, in a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as an affirmative defense certain evidence of medical necessity. The court must enter a finding of not guilty if it finds that a person possessed marijuana because of a medical necessity. In current law, the court considers use or possession of marijuana as a medical necessity only as a mitigating factor and may assess a fine of not more than \$100 if the defendant is found to have used or possessed marijuana due to medical necessity.

The bill requires the Secretary of the Department of Health and Mental Hygiene (DHMH) to form a

workgroup to develop a model program to facilitate patient access to marijuana for medical purposes.

Prior to amendment, the bill authorized use of marijuana for medical purposes under specified circumstances and set up a system whereby DHMH would license growers and dispensaries, among other provisions.

The original crossfiled bill, [HB 291](#), has passed second reading with similar amendments but without the affirmative defenses language.

Bisphenol-A

An amended [HB 4](#) addresses a chemical compound known as bisphenol-A (BPA) and its inclusion in containers of infant formula. [HB 4](#) prohibits, on or after July 1, 2014, the State from purchasing infant formula in containers containing more than 0.5 parts per billion of BPA and prohibits a person from manufacturing, knowingly selling, or distributing in commerce a container of infant formula containing more than 0.5 parts per billion of BPA. [SB 151](#), with the same amendments, passed a Senate second reading.

Abuse - State Facilities and Residential Centers

[HB 346](#), relating to the definition of “abuse” as it pertains to reporting requirements for State facilities and residential centers, was amended and passed in the House. The bill specifies that “abuse” does not include an action taken by an employee that complies with specified laws and policies on the use of physical intervention. The bill now moves to the Senate. [SB 384](#), the crossfiled measure, has been identically amended and passed by the Senate.

Prescription Drug Monitoring Program

[SB 883/HB 1229](#), crossfiled Administration proposals, establish a Prescription Drug Monitoring Program (PDMP) in the DHMH to monitor the prescribing and dispensing of all Schedule II through V controlled dangerous substances. Implementation of the program is subject to the availability of funds.

STATE GOVERNMENT

Cybersecurity

Maryland is the home of a number of federal entities involved with cybersecurity technology. However, while the source of cybersecurity spending traditionally has been from the federal government, some estimates show that the commercial market will ultimately surpass the public sector. [SB 557](#), now in the House, sets up a new Maryland Commission on Maryland Cybersecurity Innovation and Excellence with broad membership among many stakeholders to recommend strategic plans

to promote innovation, attract private investment, and address recovery from cybersecurity attacks. The commission is also charged with clarifying roles of State agencies and recommending a State agency to implement a pilot program.

Open Government

The Joint Committee on Transparency and Open Government Act legislation provides continuing legislative oversight regarding transparency and open government and is tasked with recommending initiatives that increase citizen access to government. The Senate bill ([SB 644](#)) passed in its original chamber and now moves to the House.

Buy in the United States

[HB 12](#), heard in a Senate committee this week, prohibits public employers (State agencies, counties and municipalities, school districts, and special districts in the State) from knowingly purchasing, furnishing, or requiring employees to purchase or acquire uniforms or safety equipment and protective accessories that are manufactured outside of the United States, subject to specified exemptions. The bill is a reintroduction from last session.

Minority Business Enterprise Program

With the same amendments and passage by their original chambers, [SB 120/HB 456](#) extend the termination date of the State’s Minority Business Enterprise (MBE) program from July 1, 2011 until July 1, 2012. The bills continue the provision that 25% of the total dollar value of each agency’s procurement contracts be awarded to MBEs, but make the 25% a goal. The bills also repeal the specific minority subgoals of 7% to African American-owned businesses and 10% to woman-owned businesses. Instead, guidelines are to be established that an agency must consider while determining whether to set subgoals for specific minority groups.

TRANSPORTATION

Electric Vehicles

Several Administration bills related to electric vehicles are moving through the legislative process. The House passed [HB 164](#), requiring the Public Service Commission to establish a pilot program for charging electric vehicles and to report the results by February 1, 2015. The Senate companion, [SB 179](#), passed that body earlier. Other Administration bills, now in opposite chambers, establish a Maryland Electric Vehicle Infrastructure Council that, among other duties, is to develop an action plan to facilitate the integration of

electric vehicles into the State's transportation network ([SB 176/HB 167](#)).

Pedestrian Safety

As amended and passed by the Senate, [SB 12](#) establishes a Maryland Quiet Vehicles and Pedestrian Safety Advisory Committee. [HB 1223](#), the original companion, as passed by the House, retains the language that reconstitutes the Maryland Quiet Vehicles and Pedestrian Safety Task Force. Both proposals are emergency bills.

Drunk Driving

Two of the bills ([SB 803](#) and [HB 1276](#)) aimed at reducing drunk driving by expanding the existing Ignition Interlock System Program were amended and passed in their respective chambers. [SB 803](#) requires, rather than allows, the Motor Vehicle Administration (MVA) to implement the Program for drunk drivers, imposes a prison sentence for participants who violate Program rules, requires the drunk driver to cover the cost of participation, and sets a minimum time for participation. [HB 1276](#) requires a drunk driver to participate in the Program if ordered to do so by the court, and authorizes individuals to participate in the Program if they seek to regain a license that has been revoked due to drunk or drugged driving, a blood or breath test shows an alcohol concentration of .15 or higher, they have had a similar conviction within five years, or they were under age 21 at the date of a drunk driving violation. Similar bills have been introduced since 2006, but have not passed.

Other drunk driving bills dealing with licensing received unfavorable committee reports. [HB 657](#) (failed) would have allowed the court to require a drunk or drugged driver to display a "DUI" license plate. A related bill, [HB 1069](#) (failed), would have required the MVA to note on the license that the driver has been convicted for multiple offenses of drunk or drugged driving.

Also receiving unfavorable committee reports were crossfiled bills [SB 408/HB 957](#) (both failed), which would have required a person stopped for suspicion of an alcohol- or drug-related driving offense to agree to a blood or breath test if he or she has been stopped and refused the test in the past.

Smoking in Vehicles

Senate and House committees have voted unfavorably on [SB 415/HB 737](#) (both failed) that would have prohibited a driver from smoking in a motor vehicle if the driver had a passenger under age eight.

Manslaughter by Vehicle or Vessel

This week, the House approved [HB 363](#), which creates a new crime of misdemeanor manslaughter for criminally negligent operators of cars, trains, or boats who cause the death of another person. Criminally negligent driving is defined as acting in a way that a reasonable person would realize creates a substantial and unjustifiable risk of another person's death. A violator may receive a sentence of three years in prison and/or a \$5,000 fine.

Driver Licensing

The Senate passed [SB 2](#), which recognizes Medal of Honor recipients by eliminating their fees for renewing a motor vehicle registration or a non-commercial driver's license. The House companion, [HB 1017](#), is in a Senate committee.

[HB 1185](#) (failed), which would have eased requirements for responsible adults who are seeking a first-time driver's license, received an unfavorable committee vote.