



Wes Moore, Governor  
Aruna Miller, Lt. Governor  
Josh Kurtz, Secretary  
David Goshorn, Deputy Secretary

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February 22, 2024

**BILL NUMBER: SENATE BILL 740 - First Reader**

**SHORT TITLE: Operating a Vessel While Under the Influence of Alcohol – Enforcement (Nick’s Law)**

**DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENTS**

**EXPLANATION OF DEPARTMENT’S POSITION**

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The Department supports Senate Bill 740, which requires the Department to establish and maintain a database of individuals whose privilege to operate a vessel in Maryland has been suspended. This bill also places requirements upon the courts to transmit certain data concerning these suspended individuals to the department in order that Natural Resources Police Officers, while on patrol, can utilize the required database to positively identify those persons if encountered operating a vessel while they are suspended. SB 740 modifies the period of suspension that the court may impose upon individuals who are convicted of violating NR § 8-738 (Operating vessel while under the influence of or impaired by alcohol and/or drugs). The Department is working with the sponsors on an amendment that would establish penalties specific to individuals who are apprehended while operating a vessel during the period that their privilege to do so is suspended. The penalties proposed by this amendment are intended to discourage suspended individuals from operating a vessel while suspended, which is currently not addressed in statute.

**BACKGROUND INFORMATION**

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There is no recent legislative history concerning modifications to periods of suspension for violating NR § 8-738. There is no legislative history establishing additional penalties for operating a vessel while suspended.

**BILL EXPLANATION**

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This bill addresses periods of suspension that the court may impose for violating NR § 8-738. The bill also establishes that a database which identifies individuals who have been suspended by the court for these violations must be created and maintained by the Department and requires that the court transmit certain information to the Department to populate this database. The bill also establishes new penalties for operating a vessel while suspended.

BY:

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(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 740  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “alcohol;” insert “prohibiting a person from operating a vessel on the waters of the State under certain circumstances;”.

On page 1, after line 16, insert:

“BY adding to  
Article – Natural Resources  
Section 8-738.3  
Annotated Code of Maryland  
(2023 Replacement Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 5, in line 1, before “SECTION” insert:

“8-738.3.

**(A) SUBJECT TO § 8-738(G) OF THIS SUBTITLE, A PERSON MAY NOT OPERATE OR ATTEMPT TO OPERATE A VESSEL ON THE WATERS OF THE STATE WHILE THE PERSON IS PROHIBITED FROM OPERATING A VESSEL ON THE WATERS OF THE STATE UNDER § 8-738(E)(3)(I) OF THIS SUBTITLE.**

**(B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION:**

**(I) FOR A FIRST OFFENSE, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH;**

**(II) FOR A SECOND OFFENSE, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$2,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH; AND**

**(III) FOR A THIRD OR SUBSEQUENT OFFENSE, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN \$3,000 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.**

**(2) FOR THE PURPOSE OF DETERMINING SUBSEQUENT OFFENDER PENALTIES FOR A VIOLATION OF THIS SECTION, A PRIOR CONVICTION UNDER SUBSECTION (A) OF THIS SECTION OR § 21-902 OF THE TRANSPORTATION ARTICLE SHALL BE CONSIDERED A PRIOR CONVICTION."**