

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 94

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Natural Resources)

Judicial Proceedings

Vessels - Operating While Under the Influence of or Impaired by Alcohol or
Drugs

This departmental bill makes specified alcohol- or drug-related offenses applicable to nonmotorized sailboat operators.

The bill takes effect June 1, 2014.

Fiscal Summary

State Effect: The bill's changes can be handled with existing budgeted resources.

Local Effect: While local governments with marine enforcement units will be required to enforce the bill, it is not expected to have a significant impact on local operations or finances.

Small Business Effect: The Department of Natural Resources (DNR) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: Individuals may not operate or attempt to operate a vessel while (1) under the influence of alcohol or under the influence of alcohol *per se*; (2) impaired by alcohol; (3) impaired by drugs and/or drugs and alcohol; or (4) impaired by a controlled dangerous substance. If an individual's blood or breath test results indicate an alcohol concentration at the time of testing of 0.08 or more as measured by grams of

alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath, it is *prima facie* evidence that the individual was operating a vessel while under the influence of alcohol.

Violators are guilty of a misdemeanor and subject to fines and/or imprisonment. For those convicted of operating a vessel while under the influence of alcohol or under the influence of alcohol *per se*, the maximum penalties range from a fine of \$1,000 and/or imprisonment for one year to a fine of \$3,000 and/or imprisonment for three years, depending on whether the conviction is for a first, second, or third or subsequent offense. For those convicted of operating a vessel while impaired by alcohol, alcohol and/or drugs, or by a controlled dangerous substance, maximum penalties range from a fine of \$500 and/or imprisonment for two months to a fine of \$1,000 and/or imprisonment for one year, depending on whether the conviction was for a first or second or subsequent offense. A court is authorized to prohibit a person from operating a vessel on State waters for up to one year in specified circumstances.

Provisions in the Natural Resources Article concerning the operation of vessels while under the influence of, or impaired by, alcohol and/or drugs apply to vessels that are (1) required to have a specified DNR registration; (2) required to have a valid number awarded in accordance with a federal law or a federally approved numbering system of another state; and (3) from a foreign country using State waters.

Background: Prior to the enactment of Chapter 307 of 2010, the law governing the operation of vessels while under the influence of, or impaired by, alcohol and/or drugs applied to all vessel operators and was not limited to vessels with specified registrations. However, DNR advises that when the 2010 legislation was amended to exempt rafting and kayaking while under the influence, the amendment inadvertently exempted nonmotorized sailboat operators.

In 2012, there were several boating accidents that involved nonmotorized sailboat operators who were under the influence. No accidents were reported in 2013; however, DNR advises that bill will close a loophole and strengthen the Natural Resources Police's efforts to investigate sailboat accidents in which a person is killed or sustains a life-threatening injury due to an individual operating a vessel while under the influence.

Additional Information

Prior Introductions: SB 74 of 2013 passed the Senate and passed the House with amendments; however, no further action was taken.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - January 8, 2014
mm/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vessels-Operating While Under the Influence of or Impaired by Alcohol or Drugs

BILL NUMBER: SB 94

PREPARED BY: Department of Natural Resources

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on local governments.