

# HOUSE BILL 483

R3  
HB 967/22 – JUD

3lr2656  
CF SB 74

---

By: **Delegates Simmons, Bagnall, Bartlett, Chisholm, Fennell, Guyton, Guzzone, Harris, D. Jones, Kaiser, Kipke, Lehman, T. Morgan, Phillips, Rogers, and Schmidt**

Introduced and read first time: January 30, 2023  
Assigned to: Judiciary

---

Committee Report: Favorable  
House action: Adopted  
Read second time: February 21, 2023

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Grossly Negligent or Drunk or Drugged Operation of Vehicle or Vessel – Prior**  
3 **Convictions**

4 FOR the purpose of establishing that certain previous convictions for drunk or drugged  
5 operation of a vehicle or vessel and grossly negligent manslaughter by vehicle or  
6 vessel under certain provisions of law constitute prior convictions for the purpose of  
7 determining certain enhanced subsequent offender penalties; and generally relating  
8 to prior convictions for the grossly negligent or drunk or drugged operation of a  
9 vehicle or vessel.

10 BY repealing and reenacting, without amendments,  
11 Article – Natural Resources  
12 Section 8–738(a) and (g)  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Natural Resources  
17 Section 8–738(e)(1) and (2)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Transportation  
2 Section 21–902(a)(1), (b)(1), (c)(1), (d)(1), (e), (h), and (i)  
3 Annotated Code of Maryland  
4 (2020 Replacement Volume and 2022 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
6 That the Laws of Maryland read as follows:

7 **Article – Natural Resources**

8 8–738.

9 (a) Subject to subsection (g) of this section, a person may not operate or attempt  
10 to operate a vessel while the person:

11 (1) Is under the influence of alcohol;

12 (2) Is impaired by alcohol;

13 (3) Is so far impaired by any drug, combination of drugs, or combination of  
14 one or more drugs and alcohol that the person cannot operate a vessel safely; or

15 (4) Is impaired by any controlled dangerous substance, as defined in §  
16 5–101 of the Criminal Law Article, unless the person is entitled to use the controlled  
17 dangerous substance under the laws of the State.

18 (e) (1) **(I)** Notwithstanding any other provision of this title, a person who  
19 violates subsection (a)(1) of this section is guilty of a misdemeanor and upon conviction:

20 [(i)] **1.** For a first offense, shall be subject to a fine of not more  
21 than \$1,000 or imprisonment for not more than 1 year or both;

22 [(ii)] **2.** For a second offense, shall be subject to a fine of not more  
23 than \$2,000 or imprisonment for not more than 2 years or both; and

24 [(iii)] **3.** For a third or subsequent offense, shall be subject to a fine  
25 of not more than \$3,000 or imprisonment for not more than 3 years or both.

26 **(II) FOR THE PURPOSE OF DETERMINING SUBSEQUENT**  
27 **OFFENDER PENALTIES FOR A VIOLATION OF THIS SECTION, A PRIOR CONVICTION**  
28 **UNDER SUBSECTION (A) OF THIS SECTION OR § 21–902 OF THE TRANSPORTATION**  
29 **ARTICLE SHALL BE CONSIDERED A PRIOR CONVICTION.**

30 (2) **(I)** Notwithstanding any other provision of this title, a person who  
31 violates subsection (a)(2), (3), or (4) of this section is guilty of a misdemeanor and upon  
32 conviction:

1            [(i)] 1. For a first offense, shall be subject to a fine of not more  
2 than \$500 or imprisonment for not more than 2 months or both; and

3            [(ii)] 2. For a second or subsequent offense, shall be subject to a  
4 fine of not more than \$1,000 or imprisonment of not more than 1 year or both.

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

9            (g) This section applies to the following:

10            (1) A vessel required to be registered with the Department under this  
11 subtitle;

12            (2) A vessel required to have a valid number awarded in accordance with a  
13 federal law or a federally approved numbering system of another state; and

14            (3) A vessel from a foreign country using the waters of this State.

15            **Article – Transportation**

16 21-902.

17            (a) (1) (i) A person may not drive or attempt to drive any vehicle while  
18 under the influence of alcohol.

19            (ii) A person may not drive or attempt to drive any vehicle while the  
20 person is under the influence of alcohol per se.

21            (iii) A person convicted of a violation of this paragraph is subject to:

22            1. For a first offense, imprisonment not exceeding 1 year or  
23 a fine not exceeding \$1,000 or both; and

24            2. For a second offense, imprisonment not exceeding 2 years  
25 or a fine not exceeding \$2,000 or both.

26            (iv) For the purpose of determining subsequent offender penalties for  
27 a violation of this paragraph, a prior conviction under subsection (b), (c), or (d) of this section  
28 **OR § 8-738 OF THE NATURAL RESOURCES ARTICLE**, within 5 years before the  
29 conviction for a violation of this paragraph, shall be considered a prior conviction.

30            (b) (1) (i) A person may not drive or attempt to drive any vehicle while

1 impaired by alcohol.

2 (ii) A person convicted of a violation of this paragraph is subject to:

3 1. For a first offense, imprisonment not exceeding 2 months  
4 or a fine not exceeding \$500 or both; and

5 2. For a second offense, imprisonment not exceeding 1 year  
6 or a fine not exceeding \$500 or both.

7 (iii) For the purpose of determining subsequent offender penalties for  
8 a violation of this paragraph, a prior conviction under this subsection or subsection (a), (c),  
9 or (d) of this section **OR § 8-738 OF THE NATURAL RESOURCES ARTICLE** shall be  
10 considered a prior conviction.

11 (c) (1) (i) A person may not drive or attempt to drive any vehicle while so  
12 far impaired by any drug, any combination of drugs, or a combination of one or more drugs  
13 and alcohol that the person cannot drive a vehicle safely.

14 (ii) A person convicted of a violation of this paragraph is subject to:

15 1. For a first offense, imprisonment not exceeding 2 months  
16 or a fine not exceeding \$500 or both; and

17 2. For a second offense, imprisonment not exceeding 1 year  
18 or a fine not exceeding \$500 or both.

19 (iii) For the purpose of determining subsequent offender penalties for  
20 a violation of this paragraph, a prior conviction under this subsection or subsection (a), (b),  
21 or (d) of this section **OR § 8-738 OF THE NATURAL RESOURCES ARTICLE** shall be  
22 considered a prior conviction.

23 (iv) It is not a defense to any charge of violating this subsection that  
24 the person charged is or was entitled under the laws of this State to use the drug,  
25 combination of drugs, or combination of one or more drugs and alcohol, unless the person  
26 was unaware that the drug or combination would make the person incapable of safely  
27 driving a vehicle.

28 (d) (1) (i) A person may not drive or attempt to drive any vehicle while the  
29 person is impaired by any controlled dangerous substance, as that term is defined in §  
30 5-101 of the Criminal Law Article, if the person is not entitled to use the controlled  
31 dangerous substance under the laws of this State.

32 (ii) A person convicted of a violation of this paragraph is subject to:

33 1. For a first offense, imprisonment not exceeding 1 year or  
34 a fine not exceeding \$1,000 or both; and



1 October 1, 2023.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.