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Ian Goldstein
Vice President of Government Affairs
Mothers Against Drunk Driving
Testimony in Support of HB770
House Environment and Transportation Committee
February 22, 2024

Thank you, Mr. Chairman and Members of the Committee for allowing me to testify in support of HB770. My name is Ian Goldstein, VP of Government Affairs, with Mothers Against Drunk Driving (MADD). MADD represents the millions of victims and survivors of drunk and impaired driving crashes. MADD's mission is a future with no more victims. MADD thanks Delegate Schmidt for authoring and introducing this lifesaving legislation.

MADD urges the Maryland legislature to pass HB770 which would make improvements to Nick's Law, by strengthening penalties for operating a vessel under the influence of alcohol or other impairing substances. In 2022, Maryland had 14 fatal boating crashes, and alcohol was the leading cause of crashes. According to the U.S. Coast Guard, boaters are ten times more likely to be in a fatal boating crash with a BAC of .1.ⁱ

HB770 not only strengthens the amount of time an offender is prohibited from operating a vessel on the waters, but it also creates a database with the Natural Resources Police Force accessible to a natural resources police officer. The creation of a database will ensure that BUI offenders will not continue their behavior on Maryland's waterways, creating danger for operators of other vessels.

Maryland's current BUI laws can deter someone from operating a vessel under the influence of drugs and alcohol; however, strengthening the current law with longer suspensions for those who break the law will make offenders think twice before operating a vessel while impaired. The goal of HB770 is to deter illegal behavior on our waterways. Mr. Chairman, and Members of the Committee, please pass HB770 to ensure safety on our waterways for everyone. Thank You.

ⁱ Maryland Association for Justice, Boating Under the Influence,
<https://www.mdforjustice.com/?pg=MAJRecentNews&blAction=showEntry&blogEntry=96989#:~:text=Unfortunately%2C%20Maryland%20saw%20fourteen%20fatal,those%20of%20a%20second%20DUI.>

hb770.pdf

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MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 770
Operating a Vessel While Under the Influence of Alcohol –
Enforcement (Nick’s Law)
DATE: February 15, 2024
(2/22)
POSITION: Support

The Maryland Judiciary supports House Bill 770. This legislation modifies Title 8, Subtitle 7 of the Natural Resources Article to prohibit persons convicted under certain circumstances from operating a water vessel and requiring the Natural Resources Police Force to establish and maintain a database of persons prohibited from operating a water vessel. Under § 8-738, courts are to electronically notify the Department of Natural Resources when a person is convicted of a crime which prohibits them from operating a water vessel, or when a court prohibits a person from operating a vessel. The court must provide the person’s name, address, date of birth, and time period for which the prohibition applies. The Department is tasked with entering the data into the database and maintaining the information until the prohibition expires.

The Judiciary supports this legislation. The Judiciary routinely provides similar information to the Motor Vehicle Administration, so this bill does not pose any significant technological implications for the Judiciary.

cc. Hon. Stuart Schmidt, Jr.
Judicial Council
Legislative Committee
Kelley O’Connor

HB0770_DNR_SWA_ENT_2-22-24.pdf

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Position: FWA



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

February 22, 2024

BILL NUMBER: House Bill 770 - 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

The Department supports House Bill 770, 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. HB 770 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

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

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.

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