

February 19, 2025

The Honorable C.T. Wilson
Chair, Economic Matters Committee
231 Taylor House Office Building
Annapolis, MD 21401

RE: Letter of Information – House Bill 946 – Motor Vehicle Administration - Breathalyzer Technology - Uniform Standards

Dear Chair Wilson and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 946 but offers the following information for the Committee's consideration.

HB 946 would require the Maryland Motor Vehicle Administration (MVA) to adopt regulations for uniform standards¹ of breathalyzer technology used in the State and further require all breathalyzers to comply with these standards by Oct. 1, 2026.

Extensive regulations for standards of breathalyzer technology currently exist. These standards are not within the purview of the MVA; rather they are found in the regulations within the Maryland Department of Health, as well as national standards.

Currently, a toxicologist approves and certifies all breathalyzer devices in Maryland. Each device must meet the National Highway Traffic Safety Administration (NHTSA) standards. MVA utilizes the results from certified breathalyzers to take appropriate administrative action against an individual's driving privilege but otherwise defers to the scientific expertise held by the Department of Health to ensure certified devices meet NHTSA standards.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating House Bill 946.

Respectfully submitted,

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¹ Per HB 946, the uniform standards, "shall ensure that breathalyzer tests administered in the State provide consistent, clear, and reliable measurements."