

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 30

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

Judicial Proceedings

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

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This departmental bill extends the application of offenses involving operating or attempting to operate a vessel while under the influence of or impaired by alcohol or drugs, to all vessels, including vessels propelled only by sail or manually propelled.

The bill takes effect June 1, 2017.

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Fiscal Summary

**State Effect:** Minimal increase in general fund revenues and potential minimal increase in general fund expenditures due to the expanded application of existing penalties. Enforcement can be handled with existing resources.

**Local Effect:** Potential minimal increase in expenditures due to the expanded application of existing incarceration penalties. Enforcement can be handled with existing resources.

**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.

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Analysis

**Current Law:** Under provisions of the State Boat Act which apply only to certain vessels (described below), a person is prohibited from operating or attempting to operate a vessel while the person is (1) under the influence of alcohol; (2) impaired by alcohol; (3) so far

impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or (4) impaired by any controlled dangerous substance, unless the person is entitled to use the controlled dangerous substance under the laws of the State.

Any person who operates or attempts to operate a vessel on the waters of the State is deemed to have consented to alcohol concentration testing if the person is detained by a police officer who has reasonable grounds to believe the person has been operating or attempting to operate a vessel while under the influence or impaired. Additional evidentiary presumptions and procedures apply with respect to alcohol concentration testing. A refusal of the testing, or a test result indicating an alcohol concentration of 0.08 or more, can result in the person being prohibited from operating a vessel on the waters of the State for up to one year if convicted of operating a vessel while under the influence of alcohol. The person must submit to testing if the person was involved in an accident that results in the death of, or life-threatening injury to, another person.

Applicable monetary and incarceration penalties include a fine of up to \$1,000 and/or imprisonment for up to one year for operating or attempting to operate a vessel while under the influence of alcohol. The remaining offenses involving impairment by alcohol and/or drugs are subject to a fine of up to \$500 and/or imprisonment of up to two months. Penalties increase for second and subsequent offenses.

These provisions, however, only apply to (1) vessels required to be registered with DNR; (2) vessels required to have a valid number awarded in accordance with a federal law or a federally approved numbering system of another state; and (3) vessels from a foreign country using the waters of the State. This excludes vessels such as sailboats, canoes, and kayaks, which are not required to be registered with DNR.

**Background:** The limited application of the alcohol- and drug-related offense provisions under the State Boat Act (the exclusion of vessels such as sailboats, canoes, and kayaks) was established under Chapter 307 of 2010, which also revised the provisions to more closely mirror similar provisions applicable to motor vehicles with regard to a detained person submitting to alcohol concentration testing. The revisions, among other things, established that a person is deemed to have consented to testing if there are reasonable grounds to believe the person has been operating, or attempting to operate, a vessel while under the influence or impaired and established a penalty for refusal. The revisions also established that such a person must submit to a test if involved in an accident resulting in the death of, or life-threatening injury to, another person.

According to DNR, at least 16 states provide no exemptions from their boating under the influence laws. DNR advises that this bill is intended to enhance public safety by extending

the State's vessel operating under the influence law to include unregistered, nonmotorized vessels.

**State Revenues:** General fund revenues increase minimally as a result of the expanded application of existing monetary penalty provisions from cases heard in the District Court.

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### **Additional Information**

**Prior Introductions:** SB 94 of 2014, a similar bill, received an unfavorable report from the Senate Judicial Proceedings Committee. SB 74 of 2013, a similar bill, passed the Senate and passed third reading with amendments in the House, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 13, 2017  
fn/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 30

PREPARED BY: Captain David Larsen

### 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