

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1990.

Approved May 2, 1990.

CHAPTER 336

(House Bill 562)

AN ACT concerning

**Boating – Operating Vessel While Intoxicated or Under the Influence —Penalties**

FOR the purpose of providing that it is not a defense to certain charges that a person is or was entitled to use alcohol under the laws of this State; clarifying language; and altering the penalties for operating or attempting to operate a vessel while intoxicated or under the influence of alcohol, ~~drugs~~ any drug, any combination of drugs, or drugs and alcohol, or controlled dangerous substances.

BY repealing and reenacting, with amendments,  
Article – Natural Resources  
Section 8-738  
Annotated Code of Maryland  
(1983 Replacement Volume and 1989 Supplement)

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

**Article – Natural Resources**

8-738.

- (a) A person may not operate or attempt to operate a vessel while the person:
  - (1) Is intoxicated;
  - (2) Is under the influence of alcohol;
  - (3) Is so far under the influence of any drug, combination of drugs, or combination of drugs and alcohol that the person cannot operate a vessel safely; or
  - (4) Is under the influence of any controlled dangerous substance, as defined in Article 27, § 277 of the Code, unless the person is entitled to use the controlled dangerous substance under the laws of this State.

(b) The evidentiary requirements of Sections 10-302 through 10-307 of the Courts Article are applicable to any violation of this section.

~~(c) Unless the person charged with any violation of this section was unaware that the alcohol, drug, combination of drugs, or combination of drugs and alcohol would~~