

Article - Natural Resources

Section 8-738

Annotated Code of Maryland

(1990 Replacement Volume and 1994 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 ONE OR MORE 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 the State.

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

(c) It is not a defense to a charge of violating subsection (a)(3) of this section that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of 1 or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely operating a vessel.

(d) (1) Notwithstanding any other provision of this title, a person who violates paragraph (1) of subsection (a) of this section is guilty of a misdemeanor and upon conviction:

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

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

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

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