

Section 388B

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 10-302, 10-306(a)(1), 10-307(a)(1), and 10-308(b)

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16-402(a)

Annotated Code of Maryland

(1992 Replacement Volume and 1995 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 388B of Article 27 – Crimes and Punishments of the Annotated Code of Maryland be renumbered to be Section(s) 388C.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

388A.

(a) (1) In this section the following words have the meanings indicated.

(2) “Intoxicated per se” means an alcohol concentration at the time of testing of 0.10 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(3) “Under the influence of alcohol” has the meaning indicated in and is subject to the same presumptions and evidentiary rules of § 10-307 of the Courts Article regarding driving while under the influence of alcohol under § 21-902(b) of the Transportation Article.

(4) “UNDER THE INFLUENCE OF DRUGS” MEANS SO FAR UNDER THE INFLUENCE OF A DRUG, A COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT A PERSON CANNOT DRIVE, OPERATE, OR CONTROL A MOTOR VEHICLE OR VESSEL SAFELY.

(5) “UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE” MEANS UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE, AS THAT TERM IS DEFINED IN § 279 OF THIS ARTICLE, IF THE PERSON IS NOT ENTITLED TO USE THE CONTROLLED DANGEROUS SUBSTANCE UNDER THE LAWS OF THIS STATE.