

(4) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$3,000 OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 388C and 388B(a) through (e).

In subsection (a)(3)(i) of this section, the references to a watercraft "that is" used or "is" capable of being used are added for clarity and precision.

Also in subsection (a)(3)(i) of this section, the former reference to "every description of" watercraft is deleted as surplusage.

In subsection (b)(1) of this section, the introductory phrase "[f]or purposes of determining alcohol concentration under this section" is added to clarify that this provision was intended to be read in conjunction with the provisions relating to the determination of "under the influence of alcohol", "under the influence of alcohol per se", and "impaired by alcohol".

In subsection (b)(2) of this section, the reference to the presumptions and evidentiary rules of §§ 10-302, 10-306, 10-307, and 10-308 of the Courts Article "apply[ing] to a person charged under this section" is substituted for the former reference to "[i]mpaired by alcohol' ... [being] subject to" those presumptions and evidentiary rules for clarity. Those sections of the Courts Article provide that they apply to "a proceeding in which a person is charged with a violation of Article 27, ... § 388B of the Code [this section]".

Also in subsection (b)(2) of this section, the former reference to "[i]mpaired by alcohol' ha[ving] the meaning indicated in ... § 10-307 of the Courts Article" is deleted because "impaired by alcohol" is not a term defined in § 10-307 of the Courts Article.

Also in subsection (b)(2) of this section, the former reference to the "same" presumptions and evidentiary rules is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to presumptions and evidentiary rules "regarding driving while impaired by alcohol under § 21-902(b) of the Transportation Article" is deleted as surplusage. TR § 21-902 merely prohibits driving while impaired by alcohol but does not provide additional clarification of the words "driving while impaired by alcohol", nor does it contain any presumptions or evidentiary rules.

Subsection (c) of this section is revised to distinguish life-threatening injury by motor vehicle or vessel "while under the influence of alcohol" from life-threatening injury by motor vehicle or vessel "while under the influence of alcohol per se" for consistency with the parallel and distinct crimes of "driving while under the influence of alcohol" and "driving while under the influence of alcohol per se". See TR § 21-902(a); *Meanor v. State*, 364 Md. 511 (2001); *Janes v. State*, 350 Md. 284 (1998).

Subsections (c)(1), (d)(1), (e)(1), and (f)(2) of this section are revised in