

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 475
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “specifying that certain alcohol- or drug-related offenses apply to certain vessels;”; strike beginning with the comma in line 5 down through the comma in line 6; in line 6, strike “take”; in the same line, after “test” insert “of the person’s breath or blood”; in line 7, strike “if the person is detained”; in line 8, strike “providing” and substitute “establishing”; in line 9, strike “, subject to a certain exception” and substitute “of the person’s breath or blood, except under certain circumstances”; in the same line, after “detaining” insert “police”; in line 10, strike “detained under certain circumstances”; in the same line, strike the comma; in line 11, strike the comma; in the same line, strike the first “the” and substitute “a”; strike beginning with “and” in line 11 down through “violation” in line 12 and substitute “with a certain result”; in line 13, strike “or attempting to operate”; in the same line, after “vessel” insert “on the waters of the State”; in the same line, after “period” insert “of time; authorizing the court to prohibit a certain person from operating a vessel on the waters of the State for a certain period of time if the person refuses a certain test or takes a test with a certain result”; and in line 21, after “substance;” insert “establishing that certain provisions relating to the qualifications of a person administering a certain blood or breath test and the equipment used to administer the test apply under certain circumstances;”.

AMENDMENT NO. 2

On page 3, in line 10, strike “A” and substitute “**SUBJECT TO SUBSECTION (G) OF THIS SECTION, A**”.

On page 4, in line 17, strike “**UPON**” and substitute “**ON**”; in line 18, strike “**THE PROVISIONS OF**”; in line 19, after “**TEST**” insert “**, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE,**”; in line 25, strike “**OR ATTEMPT TO OPERATE**”.

(Over)

A” and substitute “**THE**”; and in line 28, after “**TEST**” insert “, **AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE**”.

On pages 4 and 5, strike in their entirety the lines beginning with line 29 on page 4 through line 12 on page 5, inclusive, and substitute:

“(2) THE DETAINING POLICE OFFICER SHALL ADVISE A PERSON WHO IS REQUESTED TO TAKE A TEST THAT, ON RECEIPT OF A SWORN STATEMENT FROM THE OFFICER THAT THE PERSON WAS REQUESTED TO TAKE A TEST AND REFUSED OR WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE, THE COURT MAY, ON CONVICTION AND IN ADDITION TO OTHER PENALTIES, PROHIBIT THE PERSON FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR UP TO 1 YEAR.”

On page 5, after line 33, insert:

“(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE COURT MAY PROHIBIT A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A)(1) OF THIS SECTION FROM OPERATING A VESSEL ON THE WATERS OF THE STATE FOR UP TO 1 YEAR IF THE PERSON:

(I) REFUSED TO TAKE A TEST, AS DEFINED IN § 16-205.1 OF THE TRANSPORTATION ARTICLE, WHEN REQUESTED BY A POLICE OFFICER UNDER SUBSECTION (B)(3) OF THIS SECTION; OR

(II) WAS TESTED AND THE RESULT INDICATED AN ALCOHOL CONCENTRATION OF 0.08 OR MORE.”

On page 5, after line 35, insert:

“(G) THIS SECTION APPLIES TO THE FOLLOWING:

(1) A VESSEL REQUIRED TO BE REGISTERED WITH THE DEPARTMENT UNDER THIS SUBTITLE;

(2) A VESSEL REQUIRED TO HAVE A VALID NUMBER AWARDED IN ACCORDANCE WITH A FEDERAL LAW OR A FEDERALLY APPROVED NUMBERING SYSTEM OF ANOTHER STATE; AND

(3) A VESSEL FROM A FOREIGN COUNTRY USING THE WATERS OF THIS STATE.”

On page 6, in line 6, strike “WAS” and substitute “HAS BEEN”; in the same line, strike the second “THE” and substitute “A”; in line 7, strike the first “THE” and substitute “A”; in line 10, strike “THE” and substitute “A”; in line 22, strike “SHALL”; and in line 25, strike “SUCH TESTS” and substitute “THE TEST”.