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MARYLAND ANTI-DUI GROUPS BEMOAN **OUTCOME IN ANNAPOLIS THIS YEAR**

DESPITE TASK FORCE RECOMMENDATIONS, MOST DRUNK DRIVING BILLS EITHER FAIL OR GET WEAKENED

Annapolis, MD, April 14 – Despite the legislative recommendations made by a statewide DUI Task Force created by Maryland lawmakers, as well as these same recommendations comprising bills introduced by Maryland Governor Martin O'Malley (D), the overwhelming majority of anti-drunk driving legislation failed in Annapolis this year leaving traffic safety advocates shaking their heads.

“In short, Maryland lawmakers dismissed the legislative recommendations of the very task force they asked to make legislative recommendations,” to address the continuing issues of both drunk driving and underage drinking in Maryland said Kurt Gregory Erickson, President of the nonprofit Washington Regional Alcohol Program (WRAP). **“While it’s clear that Governor O’Malley in introducing the legislation and the respective committee chairmen took the problem of drunk driving seriously, many in the legislature clearly didn’t.”**

“Worse, a key bill they did pass has been so weakened as to be rendered useless,” said Caroline Cash, Executive Director of MADD-Chesapeake Region. **“In a year in which we expected to make major progress in reducing drunk driving and which is still a factor in more than a third of all fatal crashes in Maryland, we made little progress, and that is not only disappointing but very hard to understand.”**

Both MADD and WRAP served as members of Maryland’s Task Force to Combat Driving Under the Influence of Drugs and Alcohol and which produced the legislative proposals after first being created by Maryland’s 2007 General Assembly. In addition, both
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organizations are members of the larger Maryland Impaired Driving Coalition (IDC) – the coalition protesting the outcome of this year’s General Assembly session in Annapolis. (IDC is a more than 280-member coalition whose members also include AAA Mid-Atlantic, The Century Council, National Transportation Safety Board and many public and private sector organizations.)

Following its creation two years ago, Maryland’s DUI Task Force presented 42 recommendations to Governor O’Malley last fall. Five of the Task Force’s legislative recommendations made it into the form of bills this session introduced by the Governor.

Focusing on both Marylanders who repeatedly drive impaired as well as those persons in the state either engaging in underage drinking or enabling the same, Governor O’Malley’s five-pronged DUI Task Force’s bill package included legislation aiming to:

- **mandate one-year driver’s license suspensions for persons twice convicted of any of Maryland’s impaired driving statutes** (HB 293 & SB 262);
- **outlaw the “consumption” of alcohol by those under 21; penalize the same with driver’s license sanctions; and criminalize the provision of alcohol to those under 21** (HB 299 & SB 261);
- **double the period for a subsequent Probation Before Judgment (PBJ) finding for impaired driving offenses** (HB 301 & SB 259);
- **provide for fines and incarceration for persons violating a Motor Vehicle Administration (MVA) imposed driver’s license alcohol restriction** (HB 305 & SB 263);
- **and request blood alcohol concentration (BAC) tests for drivers involved in fatal or life-threatening motor vehicle crashes** (HB 307 & SB 260).

Following last night’s conclusion of Maryland’s 2009 General Assembly session, IDC members said that only two-fifths of the above legislative package is advancing near its original form and for Governor O’Malley’s signature into law. The remainder, according to IDC officials, was either killed in committee or so weakened – in some cases – to potentially cause more harm than good.

“You have a bill this year so undermined in the General Assembly that, if signed into law, could actually weaken Maryland’s current underage drinking laws,” said Ragina C. Averella, Public & Government Affairs Manager, AAA Mid-Atlantic.

“Quite frankly, we may be better off without this bill at all,” continued Averella referring to House Bill 299 whose fate wasn’t decided until late last night as part of a General Assembly conference committee. The bill, already weakened earlier this session by removing all driver’s license sanctions for youth convicted on underage drinking, passed both Maryland’s House and Senate last night but with an amendment which IDC says could mean that even inebriated teens in Maryland may not be stopped or charged with underage drinking offenses unless they are specifically holding their drink.

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While HB 299 originally sought to explicitly outlaw the consumption of alcohol in Maryland by those under 21 (possession of the same is already unlawful), an amendment made by Senator Robert Zirkin (D-Baltimore County) earlier this session added the explicit provision to the bill that one may not be charged with unlawful possession or consumption of alcohol unless “observed in possession of an alcoholic beverage.”

“Clearly, where this most becomes a problem is the drinking teen who throws his or her can of beer into the woods and outside the line of site of law enforcement. If this bill becomes law, it’s conceivable that more young people will suffer the effects of underage drinking which is the exact opposite of the original intent of the bill,” said Joe Sikes, a MADD Member who served on the Maryland DUI Task Force.

Of the other bills comprising Governor O’Malley and the DUI Task Force’s legislative package, both the PBJ (HB 301 & SB 259) and MVA restricted license (HB 305 & SB 263) bills are currently en route to the Governor’s office for his consideration. Meanwhile, both BAC testing bills (HB 307 & SB 260) were each killed in committee and the repeat offender bills were either left in the Senate (HB 293) or advanced to the Governor in an amended and lesser form (SB 262).

“It is disappointing to see the original forms of the anti-DUI and underage drinking legislation -- supported by Governor O’Malley, a legislatively created task force and overwhelming amounts of objective data -- will not become law,” said Brandy Anderson Nannini, Vice President, Government Relations, The Century Council. **“These pieces of public safety and public health legislation would have helped keep the citizens of Maryland safe and this setback from the General Assembly will impede the implementation of other critical fixes needed in Maryland’s drunk driving and underage drinking enforcement programs; fixes identified by a task force the Assembly appointed.”**

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The full report of Maryland’s Task Force to Combat Driving Under the Influence of Drugs & Alcohol can be found online here: <http://wrap.org/pdfs/FinalTFReportssubmitted102908.pdf> . In addition, Maryland Governor Martin O’Malley’s official bill summaries of the aforementioned legislation can be found online on page 2 here: <http://www.governor.maryland.gov/documents/2009BillSummaries.pdf>