

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving, operating, or controlling a motor vehicle or vessel.

(e) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while [under the influence of] IMPAIRED BY a controlled dangerous substance is guilty of a felony to be known as "homicide by motor vehicle or vessel while [under the influence of] IMPAIRED BY a controlled dangerous substance", and on conviction shall be punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(f) (1) In any indictment, information, or other charging document under this section, it is not necessary to set forth the manner and means of death.

(2) It shall be sufficient to use a formula substantially to the following effect:

(i) "That A-B on the day of, [nineteen hundred] TWO THOUSAND and at the County (City) aforesaid, unlawfully, while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL, did kill C-D, against the peace, government, and dignity of the State.";

(ii) "That A-B on the day of, [nineteen hundred] TWO THOUSAND and at the County (City) aforesaid, unlawfully, while [under the influence of alcohol] IMPAIRED BY ALCOHOL, did kill C-D, against the peace, government, and dignity of the State.";

(iii) "That A-B on the day of, [nineteen hundred] TWO THOUSAND and at the County (City) aforesaid, unlawfully, while [under the influence of] IMPAIRED BY drugs, did kill C-D, against the peace, government, and dignity of the State."; or

(iv) "That A-B on the day of, [nineteen hundred] TWO THOUSAND and at the County (City) aforesaid, unlawfully, while [under the influence of] IMPAIRED BY a controlled dangerous substance, did kill C-D, against the peace, government, and dignity of the State.".

(g) The clerk of the court shall notify the Motor Vehicle Administration of each person convicted under this section of an offense involving a motor vehicle.

388B.

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

(2) (i) "Intoxicated UNDER THE INFLUENCE per se" means an alcohol concentration at the time of testing of [0.10] 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.