

(b) (1) Except as provided under paragraph (2) of this subsection, the evidentiary presumptions and procedures established under §§ 10-302 through 10-308 of the Courts Article are applicable to any violation of this section.

(2) If at the time of testing an individual has an alcohol concentration that meets the [intoxicated] UNDER THE INFLUENCE OF ALCOHOL per se definition in § 11-127.1 of the Transportation Article, as determined by an analysis of the individual's blood or breath, it shall be prima facie evidence that the individual was operating a vessel while [intoxicated] UNDER THE INFLUENCE OF ALCOHOL.

8-740.

(b) Notwithstanding the provisions of subsection (a) of this section, if a person is convicted of any of the following boating safety violations in the operation of a vessel, the person is required, as a condition of probation or sentencing, to successfully complete a boating safety education course that is offered or approved by the Department:

(3) Operating [under the influence of alcohol, any drug, combination of drugs, or combination of drugs and alcohol,] in violation of § 8-738 of this subtitle.

Article - Transportation

11-127.1.

(a) "Intoxicated UNDER THE INFLUENCE OF ALCOHOL per se" means having 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.

(b) If the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court or an administrative law judge, as the case may be, shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

16-117.

(b) (2) The Administration shall keep convenient records or make suitable notations showing the convictions or traffic accidents in which each licensee has been involved and every probation before judgment disposition of any violation of the Maryland Vehicle Law. A record or notation of a probation before judgment disposition, or a first offense of driving with an alcohol concentration of [0.10] 0.08 or more under § 16-205.1 of this title, shall be segregated by the Administration and shall be available only to the Administration, the courts, criminal justice agencies, and the defendant or the defendant's attorney. However, a record or notation of a probation before judgment, or a first offense of driving with an alcohol concentration of [0.10] 0.08 or more under § 16-205.1 of this title, may not be received or considered by the courts until a plea of guilty or nolo contendere is made by the defendant or a finding of guilty is made by the court.