

H-210

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: January 25, 1980

Forwarded to:

Honorable Harry R. Hughes
Governor of Maryland
State House
Annapolis, Maryland 21404

SAFETY RECOMMENDATION(S)

H-80-1

About 9:15 p.m. on April 23, 1979, a compact Ford Courier pickup truck with 12 teenaged occupants was traveling between 64 and 78 mph along a winding country road near Crofton, Maryland, when the driver failed to negotiate a curve to the left. The truck ran off the right side of the road, struck three trees located about 7 feet from the edge of the pavement, and was deflected onto the pavement in an overturned position. Ten passengers were killed, and one passenger was seriously injured; the driver was injured slightly. 1/

Witnesses who were with the driver earlier at a bowling alley reported a continuous long-term pattern of drinking by the 18-year-old driver during the day of the accident and some thought that he was "drunk" shortly before he left. Witnesses also saw the driver smoke marijuana at various times and in varying amounts. The driver consented to a blood test about 5 hours after the accident, and his blood-alcohol level was 0.06 gram-percent. A projection of these test results and witnesses' statements concerning the driver's condition at the bowling alley indicated that he probably had an alcohol level at or near 0.135 gram-percent at the time of the accident. The Safety Board concluded that the probable cause of this accident was high speed and reckless driving of a vehicle by a driver who was under the influence of alcohol and marijuana.

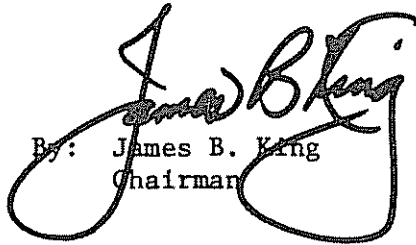
1/ For more detailed information about this accident read: "Ford Courier Pickup Truck Fixed-Object Collision, Patuxent Road, Near Crofton, Maryland, April 23, 1979 (NTSB-HAR-79-6)."

Because alcohol was considered to be a causal factor in this accident, the Safety Board examined Federal safety standards and Maryland's vehicle laws regarding alcohol. The National Highway Traffic Safety Administration's Highway Safety Program Standard No. 8, Alcohol in Relation to Highway Safety, defines a driver as "intoxicated" or "under the influence of alcohol" when he exhibits blood-alcohol concentrations at or higher than 0.10 percent by weight. Section I.B. of this standard also requires that State specifications be established for "blood-alcohol concentrations, not higher than 0.10 percent by weight, which define the terms 'intoxicated' or 'under the influence of alcohol.'" However, Section 10-307 of the Maryland Vehicle Law states that if there is 0.10 percent by weight of alcohol at the time of testing, it shall be prima facie evidence that the defendant's driving ability was "impaired" by the consumption of alcohol. Maryland and New Jersey are the only remaining States where a blood-alcohol level of 0.15 percent must be found at the time of testing for a defendant to be considered "intoxicated."

The Safety Board supports the need for national uniform alcohol-related traffic laws that are based on a common definition of such terms as "impaired" and "intoxicated." Without a common definition, the public is either improperly informed about the effects of alcohol or led to believe that penalties for alcohol abuse are being established arbitrarily. The Safety Board understands that efforts have been made to introduce legislation that would redefine the terms intoxicated and impaired in the State legislature for the last 6 years, but these efforts have not been successful. In support of the current effort to enact this type of legislation, the National Transportation Safety Board requests that you refer the following recommendation to the appropriate legislative committees:

Enact legislation that will redefine the terms "intoxicated" and "impaired by alcohol" to fit current nationally accepted standard definitions. (Class II, Priority Action) (H-80-1)

KING, Chairman, DRIVER, Vice Chairman, McADAMS, GOLDMAN, and BURSLEY, Members, concurred in this recommendation.


By: James B. King
Chairman