
By: Delegate Ciliberti

Introduced and read first time: February 23, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drugged and Drunk Driving - Seizure and Sale of Motor Vehicle on Third**
3 **Conviction**

4 FOR the purpose of requiring a court to order the seizure and sale of a motor vehicle
5 owned by an individual after a third drugged or drunk driving conviction; requiring
6 the court to determine the name of any person who holds a valid lien on the motor
7 vehicle; requiring the court to release the motor vehicle to the first priority
8 lienholder, if any; requiring the lienholder to sell the vehicle in a certain manner
9 and to distribute the proceeds in a certain manner; requiring the court to determine
10 who shall execute the seizure and sale of the motor vehicle, if there is no lienholder;
11 requiring the person ordered by the court to execute the sale and seizure in a
12 certain manner and to distribute the proceeds of the sale in a certain manner; and
13 generally relating to the seizure and sale of a motor vehicle owned by an individual
14 convicted of a third drugged or drunk driving offense.

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 21-902
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY adding to
21 Article - Transportation
22 Section 27-101(r)
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Transportation**

28 21-902.

29 (a) (1) A person may not drive or attempt to drive any vehicle while intoxicated.

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1 (2) A person may not drive or attempt to drive any vehicle while the person
2 has an alcohol concentration of 0.10 or more as measured by grams of alcohol per 100
3 milliliters of blood or grams of alcohol per 210 liters of breath as determined at the time
4 of testing.

5 (b) A person may not drive or attempt to drive any vehicle while under the
6 influence of alcohol.

7 (c) (1) A person may not drive or attempt to drive any vehicle while he is so far
8 under the influence of any drug, any combination of drugs, or a combination of one or
9 more drugs and alcohol that he cannot drive a vehicle safely.

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

15 (d) A person may not drive or attempt to drive any vehicle while he is under the
16 influence of any controlled dangerous substance, as that term is defined in Article 27, §
17 279 of the Code, if the person is not entitled to use the controlled dangerous substance
18 under the laws of this State.

19 27-101.

20 (R) (1) IF AN INDIVIDUAL IS CONVICTED OF A THIRD VIOLATION OF § 21-902
21 OF THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTY IMPOSED, THE COURT
22 SHALL ORDER THE SEIZURE AND SALE OF THE MOTOR VEHICLE USED BY THE
23 INDIVIDUAL IN COMMITTING THE VIOLATION IF THE MOTOR VEHICLE IS OWNED BY
24 THE INDIVIDUAL.

25 (2) BEFORE ORDERING THE SEIZURE AND THE SALE OF A MOTOR
26 VEHICLE UNDER THIS SECTION, THE COURT SHALL DETERMINE FROM THE
27 RECORDS OF THE ADMINISTRATION THE NAMES OF ALL PERSONS WHO HOLD A
28 VALID LIEN ON THE MOTOR VEHICLE.

29 (3) (I) IF THE COURT DETERMINES THAT ONE OR MORE PERSONS
30 HOLD A VALID LIEN ON THE MOTOR VEHICLE, THE COURT SHALL ORDER THAT THE
31 MOTOR VEHICLE BE RELEASED TO THE FIRST PRIORITY LIENHOLDER.

32 (II) THE LIENHOLDER SHALL SELL THE MOTOR VEHICLE IN A
33 COMMERCIALY REASONABLE MANNER.

34 (III) THE PROCEEDS OF THE SALE SHALL BE APPLIED AS FOLLOWS:

35 1. TO THE BALANCE DUE THE FIRST PRIORITY LIENHOLDER
36 INCLUDING ALL REASONABLE COSTS INCIDENT TO THE SALE;

37 2. TO THE BALANCE DUE ANY OTHER LIENHOLDER;

38 3. OF THE AMOUNT LEFT AFTER THE DISTRIBUTION UNDER
39 SUBSUBPARAGRAPHS 1 AND 2 OF THIS SUBPARAGRAPH, 25 PERCENT SHALL BE

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1 AWARDED TO THE ADMINISTRATION FOR USE IN ITS EFFORTS TO PROMOTE
2 EDUCATION AND REHABILITATION FOR DRUGGED AND DRUNK DRIVERS; AND

3 4. ANY PROCEEDS REMAINING AFTER THE DISTRIBUTIONS
4 UNDER SUBSUBPARAGRAPHS 1 THROUGH 3 OF THIS SUBPARAGRAPH SHALL BE
5 DISTRIBUTED TO THE INDIVIDUAL WHO OWNED THE MOTOR VEHICLE.

6 (4) (I) IF THE COURT DETERMINES THAT NO PERSON HOLDS A VALID
7 LIEN ON THE MOTOR VEHICLE, THE COURT SHALL ORDER THE SEIZURE OF THE
8 MOTOR VEHICLE AND ITS SALE IN A COMMERCIALLY REASONABLE MANNER BY:

- 9 1. A LOCAL POLICE DEPARTMENT;
10 2. A TOWING OR STORAGE COMPANY; OR
11 3. ANOTHER PERSON CONSIDERED QUALIFIED BY THE
12 COURT.

13 (II) PROCEEDS OF THE SALE OF A MOTOR VEHICLE SEIZED AND
14 SOLD UNDER THIS PARAGRAPH SHALL BE DISTRIBUTED AS FOLLOWS:

15 1. THE PERSON ORDERED BY THE COURT TO EXECUTE THE
16 SEIZURE AND SALE UNDER THIS PARAGRAPH SHALL REIMBURSE ITSELF FOR THE
17 COSTS OF TOWING AND STORING THE VEHICLE AND THE EXPENSES OF THE
18 AUCTION;

19 2. 25 PERCENT OF THE AMOUNT LEFT AFTER THE
20 DISTRIBUTION UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE
21 AWARDED TO THE ADMINISTRATION FOR USE IN ITS EFFORTS TO PROMOTE
22 EDUCATION AND REHABILITATION FOR DRUGGED AND DRUNK DRIVERS; AND

23 3. ANY PROCEEDS REMAINING AFTER THE DISTRIBUTIONS
24 UNDER SUBSUBPARAGRAPHS 1 AND 2 OF THIS SUBPARAGRAPH SHALL BE
25 DISTRIBUTED TO THE INDIVIDUAL WHO OWNED THE MOTOR VEHICLE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 1996.