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HB 924/96 - CGM

1997 Regular Session
7r2404

By: Delegates D. Murphy, E. Burns, Petzold, Holt, Menes, Perry, Rzepkowski, La Vay, McKee, Jacobs, M. Burns, Turner, Ports, Malone, Morgan, Dewberry, Mohorovic, O'Donnell, Redmer, Barve, Owings, Mossburg

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Driving While License Suspended or Revoked for Alcohol and Drug**
3 **Related Driving Offenses - Vehicle Impoundment**

4 FOR the purpose of requiring a court to order the impoundment or immobilization of a
5 vehicle driven by the vehicle's owner while the owner's license was suspended or
6 revoked for certain alcohol or drug related driving offenses; providing for the length
7 of the impoundment or immobilization period; requiring the vehicle's registered
8 owner to pay all impoundment and storage or immobilization costs; requiring the
9 person in possession of a vehicle impounded or immobilized under this Act to
10 return the vehicle or restore use of the vehicle to the registered owner under certain
11 circumstances; authorizing a court to decline to order an impoundment or
12 immobilization under certain circumstances; and generally relating to the
13 court-ordered impoundment or immobilization of vehicles used in the commission
14 of certain alcohol and drug related driving offenses.

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 16-205 and 16-303(c) and (d)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1996 Supplement)

20 BY adding to
21 Article - Transportation
22 Section 27-111
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1996 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 16-205.

29 (a) The Administration may revoke the license of any person who:

2

1 (1) Is convicted under § 21-902(a) or (d) of this article of driving or
2 attempting to drive a motor vehicle while intoxicated, while intoxicated per se, or while
3 under the influence of a controlled dangerous substance; or

4 (2) Within a 3-year period, is convicted under § 21-902(b) or (c) of this
5 article of driving or attempting to drive a motor vehicle while under the influence of
6 alcohol or while so far under the influence of any drug, any combination of drugs, or a
7 combination of one or more drugs and alcohol that the person cannot drive a vehicle
8 safely and who was previously convicted of any combination of two or more violations
9 under:

10 (i) § 21-902(a) of this article of driving or attempting to drive a motor
11 vehicle while intoxicated or while intoxicated per se;

12 (ii) § 21-902(b) of this article of driving or attempting to drive a motor
13 vehicle while under the influence of alcohol;

14 (iii) § 21-902(c) of this article of driving or attempting to drive a motor
15 vehicle while so far under the influence of any drug, any combination of drugs, or a
16 combination of one or more drugs and alcohol that the person cannot drive a vehicle
17 safely; or

18 (iv) § 21-902(d) of this article of driving or attempting to drive a motor
19 vehicle while under the influence of a controlled dangerous substance.

20 (b) The Administration may suspend for not more than 60 days the license of any
21 person who is convicted under § 21-902(b) or (c) of this article of driving or attempting to
22 drive a motor vehicle while under the influence of alcohol or while so far under the
23 influence of any drug, any combination of drugs, or a combination of one or more drugs
24 and alcohol that the person cannot drive a vehicle safely.

25 (c) The Administration may suspend for not more than 120 days the license of any
26 person who, within a 3-year period, is convicted under § 21-902(b) or (c) of this article of
27 driving or attempting to drive a motor vehicle while under the influence of alcohol or
28 while so far under the influence of any drug, any combination of drugs, or a combination
29 of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and
30 who was previously convicted of a violation under:

31 (1) § 21-902(a) of this article of driving or attempting to drive a motor
32 vehicle while intoxicated or while intoxicated per se;

33 (2) § 21-902(b) of this article of driving or attempting to drive a motor
34 vehicle while under the influence of alcohol;

35 (3) § 21-902(c) of this article of driving or attempting to drive a motor
36 vehicle while so far under the influence of any drug, any combination of drugs, or a
37 combination of one or more drugs and alcohol that the person cannot drive a motor
38 vehicle safely; or

39 (4) § 21-902(d) of this article of driving or attempting to drive a motor
40 vehicle while under the influence of a controlled dangerous substance.

3

1 (d) When a suspension imposed under subsections (b) and (c) of this section
2 expires, the Administration immediately shall return the license or reinstate the privilege
3 of the driver, unless the license or privilege has been refused, revoked, suspended, or
4 canceled under any other provisions of the Maryland Vehicle Law.

5 16-303.

6 (c) A person may not drive a motor vehicle on any highway or on any property
7 specified in § 21-101.1 of this article while the person's license or privilege to drive is
8 suspended in this State.

9 (d) A person may not drive a motor vehicle on any highway or on any property
10 specified in § 21-101.1 of this article while the person's license or privilege to drive is
11 revoked in this State.

12 27-111.

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A COURT
14 SHALL ORDER THE IMPOUNDMENT OR IMMOBILIZATION OF A VEHICLE USED IN
15 THE COMMISSION OF A VIOLATION OF § 16-303 (C) OR (D) OF THIS ARTICLE IF, AT THE
16 TIME OF THE VIOLATION:

17 (1) THE OWNER OF THE VEHICLE WAS DRIVING THE VEHICLE; AND

18 (2) THE OWNER'S LICENSE WAS UNDER SUSPENSION OR REVOCATION
19 UNDER § 16-205 OF THIS ARTICLE.

20 (B) (1) A VEHICLE IMPOUNDED OR IMMOBILIZED UNDER THIS SECTION
21 SHALL REMAIN IMPOUNDED OR IMMOBILIZED AS LONG AS THE DRIVER'S LICENSE
22 OF THE OWNER IS SUSPENDED OR REVOKED.

23 (2) THE REGISTERED OWNER OF A VEHICLE IMPOUNDED OR
24 IMMOBILIZED UNDER THIS SECTION IS RESPONSIBLE FOR ALL COSTS INCURRED AS
25 A RESULT OF THE IMPOUNDMENT AND STORAGE OR IMMOBILIZATION OF THE
26 VEHICLE.

27 (3) A PERSON IN POSSESSION OF A VEHICLE IMPOUNDED OR
28 IMMOBILIZED UNDER THIS SECTION PROMPTLY SHALL RETURN POSSESSION OR USE
29 OF THE VEHICLE TO THE REGISTERED OWNER OF THE VEHICLE ON:

30 (I) PRESENTATION BY THE REGISTERED OWNER OF A VALID
31 DRIVER'S LICENSE ISSUED TO THE REGISTERED OWNER BY THE ADMINISTRATION;
32 AND

33 (II) PAYMENT OF ALL IMPOUNDMENT AND STORAGE OR
34 IMMOBILIZATION CHARGES.

35 (C) IF A COURT ORDERS THE IMPOUNDMENT OR IMMOBILIZATION OF A
36 VEHICLE UNDER THIS SECTION, THE COURT SHALL PROVIDE FOR THE EXECUTION
37 OF THE IMPOUNDMENT OR IMMOBILIZATION BY:

38 (1) A LOCAL POLICE DEPARTMENT;

39 (2) A TOWING OR STORAGE COMPANY; OR

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1 (3) ANOTHER PERSON CONSIDERED QUALIFIED BY THE COURT.

2 (D) A COURT MAY DECLINE TO ORDER THE IMPOUNDMENT OR
3 IMMOBILIZATION UNDER THIS SECTION OF A VEHICLE OWNED BY AN INDIVIDUAL
4 WHOSE DRIVER'S LICENSE WAS REVOKED OR SUSPENDED UNDER § 16-205 OF THIS
5 ARTICLE IF:

6 (1) THE VEHICLE IS JOINTLY OWNED BY THE INDIVIDUAL AND THE
7 INDIVIDUAL'S SPOUSE; AND

8 (2) THE COURT DETERMINES THAT THE VEHICLE IS THE PRIMARY
9 MEANS OF TRANSPORTATION AVAILABLE FOR THE USE OF THE INDIVIDUAL'S
10 IMMEDIATE FAMILY.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1997.