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2001 Regular Session 1lr0248

By: Senators Lawlah, Conway, Currie, DeGrange, Harris, Hoffman, Hogan,

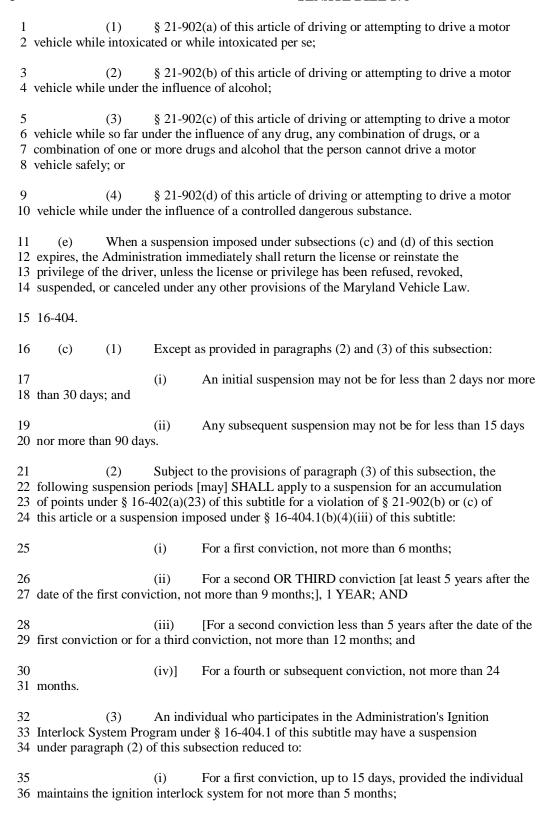
Hooper, Kelley, and Teitelbaum Introduced and read first time: January 19, 2001

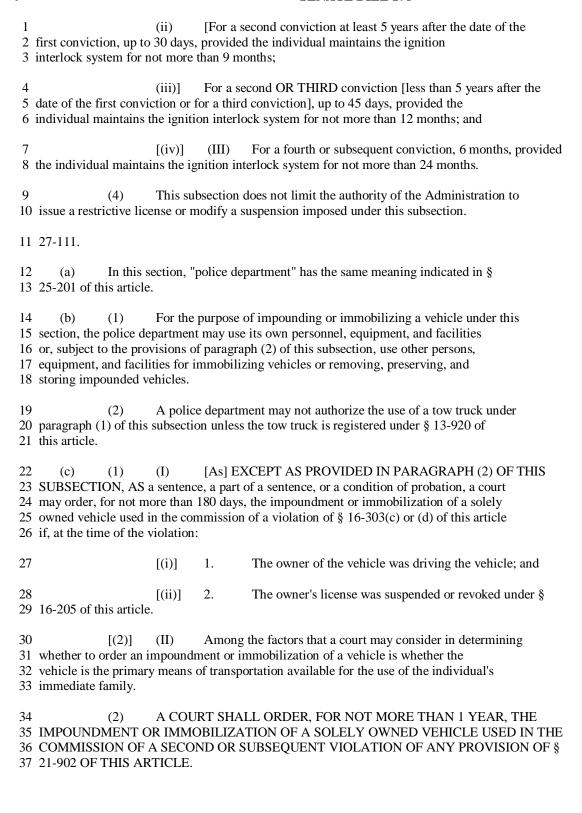
Assigned to: Judicial Proceedings

	A BILL ENTITLED
1	AN ACT concerning
2 3 4	Alcohol, Drug, or Controlled Dangerous Substance Related Driving Offenses - Mandatory License Suspension and Vehicle Impoundment or Immobilization for Subsequent Offenses
5 6 7 8 9 10 11 12 13 14 15 16	controlled dangerous substance related driving offenses under certain circumstances; requiring a court to order the impoundment or immobilization of a certain vehicle used in the commission of certain alcohol, drug, or controlled dangerous substance related driving offenses under certain circumstances; and generally relating to penalties for certain alcohol, drug, or controlled dangerous
18 19 20 21	Section 16-205, 16-404(c), and 27-111 Annotated Code of Maryland (1999 Replacement Volume and 2000 Supplement)  SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
	MARYLAND, That the Laws of Maryland read as follows:
24	Article - Transportation
25	16-205.

The Administration may revoke the license of any person who:

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 3 while under the influence of a controlled dangerous substance; or 4 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 7 a 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 § 21-902(a) of this article of driving or attempting to drive a (i) 11 motor vehicle while intoxicated or while intoxicated per se; 12 (ii) § 21-902(b) of this article of driving or attempting to drive a 13 motor vehicle while under the influence of alcohol; 14 § 21-902(c) of this article of driving or attempting to drive a 15 motor vehicle while so far under the influence of any drug, any combination of drugs, 16 or a combination of one or more drugs and alcohol that the person cannot drive a 17 vehicle safely; or § 21-902(d) of this article of driving or attempting to drive a 18 (iv) 19 motor vehicle while under the influence of a controlled dangerous substance. 20 (b) The Administration: 21 Shall revoke the license of any person who has been convicted, under (1) 22 Article 27, § 388A of the Code, of homicide by a motor vehicle while intoxicated or 23 under the influence of alcohol, drugs, or a controlled dangerous substance; and 24 May not issue a temporary license to drive for any person whose 25 license has been revoked under item (1) of this subsection during an administrative 26 appeal of the revocation. 27 The Administration may suspend for not more than 60 days the license of (c) 28 any person who is convicted under § 21-902(b) or (c) of this article of driving or 29 attempting to drive a motor vehicle while under the influence of alcohol or while so far 30 under the influence of any drug, any combination of drugs, or a combination of one or 31 more drugs and alcohol that the person cannot drive a vehicle safely. 32 [The] EXCEPT AS PROVIDED IN § 16-404(C) OF THIS ARTICLE, THE 33 Administration [may] SHALL suspend for [not more than 120 days] 1 YEAR the 34 license of any person who, within a 3-year period, is convicted under § 21-902(b) or 35 (c) of this article of driving or attempting to drive a motor vehicle while under the 36 influence of alcohol or while so far under the influence of any drug, any combination 37 of drugs, or a combination of one or more drugs and alcohol that the person cannot 38 drive a motor vehicle safely and who was previously convicted of a violation under:





3 4 5	the registered owner vehicle to another pe	of the veh	Subject to the provisions of subparagraph (ii) of this paragraph, on of a vehicle may not be ordered under this section, if nicle made a bona fide sale, gift, or other transfer of the re the date of the finding of a violation of § 16-303(c) or EQUENT VIOLATION OF ANY PROVISION OF § 21-902 of this				
7 8	that a bona fide sale,	(ii) gift, or of	The registered owner of the vehicle has the burden of proving her transfer of the vehicle has occurred.				
		sible for	istered owner of a vehicle impounded or immobilized under all actual costs incurred as a result of the immobilizing preserving, and storing of the impounded vehicle.				
14	(2) The court may require the registered owner of a vehicle impounded or immobilized under this section to post a bond or other adequate security to equal the actual costs of immobilizing the vehicle, or towing, preserving, and storing the vehicle, and providing the notices required under subsection (f) of this section.						
18 19 20	Subject to the provisions of this section, a police department that impounds a vehicle by taking the vehicle into custody or immobilizes a vehicle under this section promptly shall return possession or use of the vehicle to the registered owner of the vehicle on payment of all actual costs of immobilizing the vehicle, or towing, preserving, and storing the impounded vehicle, and providing the notices required under subsection (f) of this section.						
	(e) If a court orders the impoundment or immobilization of a vehicle under this section, the court shall provide for the execution of the impoundment or immobilization by a police department.						
27 28 29	(f) (1) If a court orders the impoundment or immobilization of a vehicle under this section, the police department that executes the immobilization, or the impoundment by taking the vehicle into custody, shall, as soon as reasonably possible and within 7 days after the police department executes the court order, send a notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:						
31 32	the Administration;	(i) and	Each registered owner of the vehicle as shown in the records of				
33 34	Administration.	(ii)	Each secured party, as shown in the records of the				
35	(2)	The noti	ice shall:				
36 37	being taken into cust	(i) tody;	State that the vehicle has been immobilized, or impounded by				
38 39	number of the vehic	(ii) le;	Describe the year, make, model, and vehicle identification				

1 2	(iii) location of the facility wh	*	ovide the location of where the vehicle is immobilized or the vehicle is impounded;
3	(iv towing, preservation, and		clude the amount of the actual costs of immobilization, or of an impounded vehicle;
5 6	(v) under this paragraph; and		clude the amount of the actual costs of the notices required
9	required under this subse	ction, with	ovide that, if an impounded vehicle is not reclaimed as thin 10 days after the date specified in the court be considered an abandoned vehicle and subject to e 2 of this article.
	2 date specified in a court	order und	nded vehicle is not reclaimed within 10 days after the ler this section, the vehicle shall be considered an provisions of Title 25, Subtitle 2 of this article.
16	5 exercising its rights unde	er applica obilized	n may not be construed to prohibit a lienholder from able law, including the right to sell a vehicle that has under this section, in the event of a default in the
	impounded or immobiliz	zed under	lienholder exercising the right to sell a vehicle that has been this section shall notify, in writing, the police chicle of the lienholder's intention to sell the vehicle.
	2 rise to the lien and shall	include a	e notice shall be accompanied by copies of documents giving n affidavit under oath by the lienholder that the t and the reasons for the default.
24 25	,		request of the lienholder and on payment of all costs chicle shall be released to the lienholder.
	7 duties provided by law to	o the lien	rovided in paragraph (4) of this subsection, the rights and holder for the sale of collateral securing an the repossession and sale of the vehicle.
29 30	9 (4) (i) O vehicle before a sale of t		e lienholder may not be required to take possession of the e.
33	of immobilization, or too the actual costs of the no	wing, pre ptices requ	the proceeds of any sale shall be applied first to the actual costs servation, and storage of an impounded vehicle, and uired under subsection (f) of this section, then as of proceeds of a sale by the lienholder.
	5 lienholder shall, within 1	10 days at	the interest of the owner in the vehicle is redeemed, the fter the redemption, mail a notice of the redemption ounded or immobilized the vehicle.

- 1 (ii) If the vehicle has been repossessed or otherwise lawfully taken
- 2 by the lienholder and the time specified by a court order under this section has not
- 3 expired, the lienholder shall return the vehicle within 21 days after the redemption to
- 4 the police department who impounded or immobilized the vehicle.
- 5 (h) This section does not affect the requirements of Title 25, Subtitle 2 of this 6 article regarding abandoned vehicles.
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 8 October 1, 2001.