

(PRE-FILED)

By: **Delegate Owings**
Requested: October 24, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drunk and Drugged Driving - Vehicle Impoundment**

3 FOR the purpose of requiring a police officer to arrange for the removal and
4 impoundment of the vehicle of a person under arrest for certain drunk or
5 drugged driving offenses under certain circumstances; providing for the period
6 of impoundment; authorizing the release of an impounded vehicle under this Act
7 under certain conditions; authorizing the use of certain persons, equipment, and
8 facilities for impounding vehicles under this Act; authorizing a law enforcement
9 agency to charge a certain fee and to retain custody of an impounded vehicle
10 until the fee is paid; and generally relating to drunk and drugged driving and
11 vehicle impoundment.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 21-902
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY adding to
18 Article - Transportation
19 Section 27-113
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2001 Supplement)

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

24 **Article - Transportation**

25 21-902.

26 (a) (1) A person may not drive or attempt to drive any vehicle while under
27 the influence of alcohol.

1 (2) A person may not drive or attempt to drive any vehicle while the
2 person is under the influence of alcohol per se.

3 (b) A person may not drive or attempt to drive any vehicle while impaired by
4 alcohol.

5 (c) (1) A person may not drive or attempt to drive any vehicle while he is so
6 far impaired by any drug, any combination of drugs, or a combination of one or more
7 drugs and alcohol that he cannot drive a vehicle safely.

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

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

17 27-113.

18 (A) IN ADDITION TO ANY OTHER PENALTIES PROVIDED IN THIS TITLE FOR A
19 VIOLATION OF ANY OF THE PROVISIONS OF § 21-902 OF THIS ARTICLE, IF A POLICE
20 OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT A PERSON HAS BEEN
21 DRIVING OR ATTEMPTING TO DRIVE A MOTOR VEHICLE WHILE UNDER THE
22 INFLUENCE OF ALCOHOL, WHILE IMPAIRED BY ALCOHOL, WHILE SO FAR IMPAIRED
23 BY ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE
24 DRUGS AND ALCOHOL THAT THE PERSON COULD NOT DRIVE A VEHICLE SAFELY, OR
25 WHILE IMPAIRED BY A CONTROLLED DANGEROUS SUBSTANCE, THE POLICE OFFICER
26 SHALL ARRANGE FOR THE REMOVAL AND IMPOUNDMENT OF THE VEHICLE THAT
27 THE PERSON WAS DRIVING OR ATTEMPTING TO DRIVE AT THE TIME OF ARREST.

28 (B) THE VEHICLE DRIVEN BY A PERSON ARRESTED AND CHARGED WITH A
29 VIOLATION OF § 21-902 OF THIS ARTICLE SHALL BE IMPOUNDED FOR A PERIOD OF 12
30 HOURS FROM THE TIME OF THE ARREST OR UNTIL THE ARRESTEE CLAIMING THE
31 VEHICLE MEETS THE CONDITIONS FOR RELEASE SPECIFIED IN SUBSECTION (D) OF
32 THIS SECTION, WHICHEVER IS LATER.

33 (C) A VEHICLE IMPOUNDED UNDER THIS SECTION MAY BE RELEASED TO A
34 PERSON OTHER THAN THE ARRESTEE PRIOR TO THE END OF THE IMPOUNDMENT
35 PERIOD ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION IF:

36 (1) (I) THE VEHICLE IS NOT OWNED OR LEASED BY THE PERSON
37 UNDER ARREST; AND

38 (II) THE PERSON WHO OWNS OR LEASES THE VEHICLE MEETS THE
39 CONDITIONS FOR RELEASE SPECIFIED IN SUBSECTION (D) OF THIS SECTION; OR

1 (2) (I) THE VEHICLE IS OWNED OR LEASED BY THE PERSON UNDER
2 ARREST;

3 (II) THE PERSON UNDER ARREST GRANTS PERMISSION TO
4 ANOTHER PERSON TO OPERATE THE VEHICLE; AND

5 (III) THE PERSON TAKING POSSESSION OF THE VEHICLE MEETS
6 THE CONDITIONS FOR RELEASE SPECIFIED IN SUBSECTION (D) OF THIS SECTION.

7 (D) A VEHICLE IMPOUNDED UNDER THIS SECTION MAY NOT BE RELEASED,
8 UNLESS THE PERSON CLAIMING THE VEHICLE:

9 (1) PRESENTS:

10 (I) A VALID DRIVER'S LICENSE;

11 (II) 1. PROOF OF OWNERSHIP OF THE VEHICLE; OR

12 2. LAWFUL AUTHORITY TO OPERATE THE VEHICLE; AND

13 (III) VALID PROOF OF INSURANCE FOR THE VEHICLE;

14 (2) WOULD NOT BE IN VIOLATION OF ANY PROVISION OF THIS ARTICLE;
15 AND

16 (3) SUBJECT TO REVIEW BY THE DISTRICT COURT, MEETS ANY OTHER
17 REASONABLE CONDITIONS FOR RELEASE ESTABLISHED BY THE LAW ENFORCEMENT
18 AGENCY.

19 (E) (1) A LAW ENFORCEMENT AGENCY MAY USE ITS OWN PERSONNEL,
20 EQUIPMENT, AND FACILITIES OR, SUBJECT TO THE PROVISIONS OF PARAGRAPH (2)
21 OF THIS SUBSECTION, USE OTHER PERSONS, EQUIPMENT, AND FACILITIES FOR
22 REMOVING, PRESERVING, AND STORING IMPOUNDED VEHICLES UNDER THIS
23 SECTION.

24 (2) A LAW ENFORCEMENT AGENCY MAY NOT AUTHORIZE THE USE OF A
25 TOW TRUCK UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE TOW TRUCK
26 IS REGISTERED UNDER § 13-920 OF THIS ARTICLE.

27 (F) A LAW ENFORCEMENT AGENCY OR OTHER PERSON IMPOUNDED A
28 VEHICLE UNDER THIS SECTION MAY CHARGE A REASONABLE FEE FOR TOWING AND
29 STORAGE OF THE VEHICLE AND MAY RETAIN CUSTODY OF THE VEHICLE UNTIL THE
30 FEE IS PAID.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002.