
By: **Allegany County Delegation**

Introduced and read first time: February 1, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Warrantless Arrests - Unauthorized Use of Rental Vehicle or**
3 **Driving Uninsured Vehicle**

4 FOR the purpose of authorizing a police officer to arrest without a warrant a person
5 for knowingly driving an uninsured motor vehicle or for driving a rented motor
6 vehicle without the consent of the lessor or the lessor's agent; and generally
7 relating to warrantless arrests under the Maryland Vehicle Law.

8 BY repealing and reenacting, without amendments,
9 Article - Transportation
10 Section 17-107 and 18-106
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2001 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 26-202
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

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

20 **Article - Transportation**

21 17-107.

22 (a) A person who knows or has reason to know that a motor vehicle is not
23 covered by the required security may not:

24 (1) Drive the vehicle; or

25 (2) If he is an owner of the vehicle, knowingly permit another person to
26 drive it.

1 (b) (1) In any prosecution under subsection (a) of this section the
2 introduction of the official records of the Motor Vehicle Administration showing the
3 absence of a record that the vehicle is covered by the security required under § 17-104
4 of this subtitle shall be prima facie evidence that a person knows or has reason to
5 know that a motor vehicle is not covered by the required security.

6 (2) The introduction of evidence of the records of the Administration may
7 not limit the introduction of other evidence bearing upon whether the vehicle was
8 covered by the required security.

9 (c) An owner or lessee of any motor vehicle registered under Title 13 of this
10 article may not raise the defense of sovereign or governmental immunity as described
11 under § 5-524 of the Courts and Judicial Proceedings Article.

12 18-106.

13 (a) If a person rents a motor vehicle under an agreement not to permit another
14 person to drive the vehicle the person may not permit any other person to drive the
15 rented motor vehicle.

16 (b) If a person rents a motor vehicle under an agreement not to permit another
17 person to drive the vehicle no other person may drive the rented motor vehicle
18 without the consent of the lessor or his agent.

19 26-202.

20 (a) A police officer may arrest without a warrant a person for a violation of the
21 Maryland Vehicle Law, including any rule or regulation adopted under it, or for a
22 violation of any traffic law or ordinance of any local authority of this State, if:

23 (1) The person has committed or is committing the violation within the
24 view or presence of the officer, and the violation is any of the following:

25 (i) A violation of § 21-1411 or § 22-409 of this article, relating to
26 vehicles transporting hazardous materials; or

27 (ii) A violation of § 24-111 or § 24-111.1 of this article, relating to
28 the failure or refusal to submit a vehicle to a weighing or to remove excess weight
29 from it;

30 (2) The person has committed or is committing the violation within the
31 view or presence of the officer, and either:

32 (i) The person does not furnish satisfactory evidence of identity; or

33 (ii) The officer has reasonable grounds to believe that the person
34 will disregard a traffic citation;

35 (3) The officer has probable cause to believe that the person has
36 committed the violation, and the violation is any of the following offenses:

- 1 (i) Driving or attempting to drive while under the influence of
2 alcohol, while impaired by alcohol, or in violation of an alcohol restriction;
- 3 (ii) Driving or attempting to drive while impaired by any drug, any
4 combination of drugs, or any combination of one or more drugs and alcohol or while
5 impaired by any controlled dangerous substance;
- 6 (iii) Failure to stop, give information, or render reasonable
7 assistance, as required by §§ 20-102 and 20-104 of this article, in the event of an
8 accident resulting in bodily injury to or death of any person;
- 9 (iv) Driving or attempting to drive a motor vehicle while the driver's
10 license or privilege to drive is suspended or revoked;
- 11 (v) Failure to stop or give information, as required by §§ 20-103
12 through 20-105 of this article, in the event of an accident resulting in damage to a
13 vehicle or other property;
- 14 (vi) Any offense that caused or contributed to an accident resulting
15 in bodily injury to or death of any person; [or]
- 16 (vii) Fleeing or attempting to elude a police officer;
- 17 (VIII) KNOWINGLY DRIVING A MOTOR VEHICLE THAT IS NOT
18 COVERED BY THE REQUIRED SECURITY AS PROHIBITED BY § 17-107 OF THIS ARTICLE;
19 OR
- 20 (IX) DRIVING A RENTED MOTOR VEHICLE WITHOUT THE CONSENT
21 OF THE LESSOR OR THE LESSOR'S AGENT AS PROHIBITED BY § 18-106(B) OF THIS
22 ARTICLE;
- 23 (4) The person is a nonresident and the officer has probable cause to
24 believe that:
- 25 (i) The person has committed the violation; and
- 26 (ii) The violation contributed to an accident; or
- 27 (5) The officer has probable cause to believe that the person has
28 committed the violation, and, subject to the procedures set forth in § 26-203 of this
29 subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt
30 by signature.
- 31 (b) An arrest under this section shall be made in the same manner as, and
32 without more force than, in misdemeanor cases.
- 33 (c) A person arrested under this section shall be taken without unnecessary
34 delay before a District Court commissioner, as specified in § 26-401 of this title,
35 unless the arresting officer in his discretion releases the individual upon the
36 individual's written promise to appear for trial.

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