

HOUSE BILL 566

E2, R7, C4

2lr0977

By: **Delegates Healey, Carr, Frush, Holmes, and Norman**

Introduced and read first time: February 3, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Lapsed Security – Restriction on Arrest and Impoundment of**
3 **Vehicle**

4 FOR the purpose of prohibiting a police officer from arresting a person for the offense
5 of driving or allowing another person to drive a motor vehicle that is not covered
6 by the required security if the person provides documentary evidence that the
7 required security is in effect; prohibiting a police officer from impounding a
8 vehicle in certain circumstances; and generally relating to required security for
9 motor vehicles.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 26–202
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

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

17 **Article – Transportation**

18 26–202.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) A violation of § 21–1411 or § 22–409 of this article, relating
2 to vehicles transporting hazardous materials; or

3 (ii) A violation of § 24–111 or § 24–111.1 of this article, relating
4 to the failure or refusal to submit a vehicle to a weighing or to remove excess weight
5 from it;

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

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

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

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

14 (i) Driving or attempting to drive while under the influence of
15 alcohol, while impaired by alcohol, or in violation of an alcohol restriction;

16 (ii) Driving or attempting to drive while impaired by any drug,
17 any combination of drugs, or any combination of one or more drugs and alcohol or
18 while impaired by any controlled dangerous substance;

19 (iii) Failure to stop, give information, or render reasonable
20 assistance, as required by §§ 20–102 and 20–104 of this article, in the event of an
21 accident resulting in bodily injury to or death of any person;

22 (iv) Driving or attempting to drive a motor vehicle while the
23 driver's license or privilege to drive is suspended or revoked;

24 (v) Failure to stop or give information, as required by §§ 20–103
25 through 20–105 of this article, in the event of an accident resulting in damage to a
26 vehicle or other property;

27 (vi) Any offense that caused or contributed to an accident
28 resulting in bodily injury to or death of any person;

29 (vii) Fleeing or attempting to elude a police officer;

30 (viii) Driving or attempting to drive a vehicle in violation of
31 § 16–101 of this article;

32 (ix) A violation of § 14–110(b), (c), (d), or (e) of this article; or

1 (x) A violation of § 21-1116(a) of this article that results in
2 serious bodily injury to another person;

3 (4) The person is a nonresident and the officer has probable cause to
4 believe that:

5 (i) The person has committed the violation; and

6 (ii) The violation contributed to an accident; or

7 (5) The officer has probable cause to believe that the person has
8 committed the violation, and, subject to the procedures set forth in § 26-203 of this
9 subtitle, the person is issued a traffic citation and refuses to acknowledge its receipt by
10 signature.

11 **(B) A POLICE OFFICER MAY NOT:**

12 **(1) ARREST A PERSON FOR THE OFFENSE OF DRIVING OR**
13 **ALLOWING ANOTHER PERSON TO DRIVE A MOTOR VEHICLE THAT IS NOT**
14 **COVERED BY THE REQUIRED SECURITY IN VIOLATION OF § 17-107 OF THIS**
15 **ARTICLE IF THE PERSON PROVIDES DOCUMENTARY EVIDENCE THAT THE**
16 **REQUIRED SECURITY IS IN EFFECT; OR**

17 **(2) IMPOUND THE MOTOR VEHICLE UNDER THE CIRCUMSTANCES**
18 **DESCRIBED IN ITEM (1) OF THIS SUBSECTION.**

19 **[(b)] (C)** An arrest under this section shall be made in the same manner as,
20 and without more force than, in misdemeanor cases.

21 **[(c)] (D)** A person arrested under this section shall be taken without
22 unnecessary delay before a District Court commissioner, as specified in § 26-401 of
23 this title, unless the arresting officer in his discretion releases the individual upon the
24 individual's written promise to appear for trial.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.