

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 566 (Delegate Healey, *et al.*)
Environmental Matters

Vehicle Laws - Lapsed Security - Restriction on Arrest and Impoundment of Vehicle

This bill prohibits a police officer from arresting a person, or impounding a person's vehicle, for the offense of driving or allowing another person to drive a motor vehicle that is not covered by the required security if the person provides documentary evidence that the required security is in effect.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Motor Vehicle Insurance Requirements: The owner of a motor vehicle that is required to be registered in Maryland must maintain the required security for the vehicle during the vehicle's registration period and may not drive or permit another to drive a vehicle without it. Likewise, a person who knows or has reason to know that a motor vehicle is not covered by the required insurance may not drive the vehicle. A person may not willfully and knowingly create, certify, file, or provide false evidence of required vehicle insurance.

Chapter 441 of 2010 increased the minimum security required on a motor vehicle liability insurance policy for the bodily injury or death of a single individual from \$20,000 to \$30,000 and from \$40,000 to \$60,000 for more than one individual. The minimum security required for property damage is \$15,000, in addition to interest and costs.

Warrantless Arrests: Generally, for a police officer to be authorized to make an arrest, a judge or District Court commissioner must first issue a warrant based on a finding of probable cause.

A law enforcement officer may, however, make a warrantless arrest when (1) a person commits or attempts to commit a felony or misdemeanor in the officer's presence or within view of the officer; (2) the officer has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer; (3) the police officer has probable cause to believe that a person has committed or attempted to commit a felony, whether or not in the presence or within the view of the police officer; or (4) the officer has probable cause to believe that the person has committed one of a limited number of misdemeanors specified in statute and that, unless the person is arrested immediately, the person may not be apprehended, may cause physical harm or property damage, or may tamper with, dispose of, or destroy evidence.

Arrests for Violations of the Maryland Vehicle Law: A police officer may arrest a person without a warrant for a violation of the Maryland Vehicle Law, or any traffic law or ordinance of any local authority, if:

- the person has committed or is committing specified violations in the view or presence of the officer relating to transporting hazardous materials or vehicle weight;
- the person has committed or is committing the violation in the view or presence of the officer and the person does not furnish identification or the officer has reasonable grounds to believe the person will disregard a traffic citation;
- the officer has probable cause to believe that the person committed any one of 10 specified offenses relating to impaired driving, leaving the scene of an accident, driving without or on a suspended or revoked license, fleeing and eluding an officer, racing, causing or contributing to an accident, or falsifying motor vehicle documents and registration plates;
- the person is a nonresident and the officer has probable cause to believe that the person committed the violation which contributed to an accident; or
- the officer has probable cause to believe that the person committed the violation, the person is issued a traffic receipt, and the person refuses to acknowledge its receipt by signature.

A person arrested without a warrant must be arrested in the same manner as other misdemeanor cases and taken without unnecessary delay before a District Court commissioner, unless the officer decides to release the person upon the person's written promise to appear for trial.

Display of Documents During a Traffic Stop: A police officer may charge a person with a violation of the Maryland Vehicle Law if the officer has probable cause to believe that the person has committed or is committing a violation. The officer must then issue a traffic citation, which contains a driver's license number and the vehicle's registration number; there is no current requirement to display proof of a vehicle's required security during a traffic stop. However, specified information about insurance coverage must be provided to a police officer or other specified individuals after an accident.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard, Montgomery, and Prince George's counties; the cities of Frederick and Havre de Grace; Maryland Insurance Administration; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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