

PROVIDED, THE PERSON, IN THE DISCRETION OF THE OFFICER, EITHER SHALL BE GIVEN A TRAFFIC CITATION AS HEREINAFTER PROVIDED OR BE TAKEN WITHOUT UNNECESSARY DELAY BEFORE THE COMMISSIONER AS SPECIFIED IN §26-401 OF THIS TITLE:

(1) WHEN THE PERSON DOES NOT FURNISH SATISFACTORY EVIDENCE OF IDENTITY OR WHEN THE OFFICER HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE THE PERSON WILL DISREGARD A WRITTEN PROMISE TO APPEAR IN COURT;

(2) WHEN THE PERSON IS CHARGED WITH A VIOLATION OF §22-409 OF THIS ARTICLE, RELATING TO VEHICLES TRANSPORTING HAZARDOUS MATERIALS;

(3) WHEN THE PERSON IS CHARGED WITH A VIOLATION OF § 24-111 OR §24-111.1 OF THIS ARTICLE, RELATING TO THE FAILURE OR REFUSAL TO SUBMIT A VEHICLE TO A WEIGHING OR TO REMOVE EXCESS WEIGHT FROM IT.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §16-107.

Except for required changes in nomenclature, this section has not been revised; see General Revisor's Note to this title.

26-204. ARREST OF NONRESIDENT.

(A) APPLICATION OF TITLE.

ALL OF THE PROVISIONS OF THIS TITLE APPLY BOTH TO RESIDENTS AND NONRESIDENTS OF THIS STATE, OR OF A STATE WHICH DOES NOT HAVE A RECIPROCAL AGREEMENT WITH THE STATE OF MARYLAND EXCEPT THE SPECIAL PROVISIONS IN THIS SECTION WHICH SHALL GOVERN IN RESPECT TO NONRESIDENTS UNDER THE CIRCUMSTANCES HEREIN STATED.

(B) AUTHORITY TO ARREST WITHOUT WARRANT.

A POLICE OFFICER AT THE SCENE OF A TRAFFIC ACCIDENT MAY ARREST, WITHOUT A WARRANT, ANY NONRESIDENT DRIVER WHO IS INVOLVED IN THE ACCIDENT IF:

(1) BASED ON PERSONAL INVESTIGATION, THE POLICE OFFICER HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE THAT THE DRIVER HAS COMMITTED AN OFFENSE UNDER THE MARYLAND VEHICLE LAW IN CONNECTION WITH THE ACCIDENT; AND

(2) THE OFFICER HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE THAT THE PERSON WILL DISREGARD A WRITTEN PROMISE TO APPEAR IN COURT.

(C) ARRESTED PERSON TO BE TAKEN BEFORE COMMISSIONER.

WHENEVER ANY PERSON IS ARRESTED UNDER THE PROVISIONS OF THIS SECTION, HE SHALL BE TAKEN WITHOUT UNNECESSARY