

EXERCISE OF CONTROL OVER OR THE STEERING OF A VEHICLE
BEING TOWED BY A MOTOR VEHICLE.

REVISOR'S NOTE: This section is new language derived for the most part from present Art. 66 1/2, §§ 1-122 and 1-156, which define the nouns "driver" and "operator", respectively, in virtually identical terms, substantially as follows:

"...every person who drives or is in actual physical control of a ... vehicle ... {or who} is exercising control over or steering a vehicle being towed by a motor vehicle."

The term "operate", as added to this definition, is nothing more than the verb form of the presently defined "operator"; the added term "move" is derived from numerous, scattered references in present Art. 66 1/2, such as "drive or move" and "operate or move". With the addition of these terms in this definition - and the identical meaning of "operate", as defined in §11-141 of this subtitle - the definition permits the use of these verbs - with a standard, consistent meaning - throughout the Maryland Vehicle Law, where the same broad scope is intended by the present, albeit confusing, proliferation of variations such as "operate" {e.g., Art. 66 1/2, §§ 3-411(c), 6-111(c), and 11-1116(a)}; "drive" {e.g., Art. 66 1/2, §§ 2-305(a), 6-102.5, and 12-404(a)}; "operate or move" {e.g., Art. 66 1/2, §§ 1-187, 3-601(a), and 11-704(a)}; "drive or move" {e.g., Art. 66 1/2, §§ 3-401(a), 12-101(a), and 14-106}; "operate or drive" {e.g., Art. 66 1/2, §§ 6-102(c) and 11-901}; "drive ... or be in actual physical control" {e.g., §11-902}; and "operate, drive, or move" {e.g., §14-114(a)}.

In Thomas v. State, 277 Md. 314 (1976), the Court of Appeals, relying exclusively on precedents from other states, held that the term "drive" - as used in present Art. 66 1/2, §11-902(b) - had a different, narrower meaning than either the phrase "be in actual physical control" - also used in that section - or the term "operate". That decision, however, ignored the existing Maryland law found in the definitions of "driver" and "operator" in Art. 66 1/2, §§ 1-122 and 1-156, respectively. Both of these definitions expressly include a person who exercises "actual physical control" of a vehicle. Since the meanings of the verbs "drive" and