

"operate" logically should derive from definitions of their noun forms, both "drive" and "operate" should be recognized as having equally broad and identical meanings.

In any event, it appears clear that the legislative intent was to use these various terms in essentially the same sense. For example, as to vehicles required to be registered in this State: present Art. 66 1/2, §3-401(b) states that "{i}t is a misdemeanor for any person to drive or move ... any vehicle whose registration is suspended or revoked..." (emphasis added); on the other hand, present Art. 66 1/2, §3-702 states that it is a misdemeanor for any person to "operate ... a motor vehicle the registration of which has been canceled, suspended or revoked" (emphasis added). Similarly, as to the statutory requirements for a driver's license, for which the present, broad definitions of "driver" and "operator" were especially intended: present Art. 66 1/2, §6-101 provides that "{n}o person shall drive or attempt to drive a motor vehicle" unless he is licensed (emphasis added); on the other hand, the term "operate" or its other verbal variations is used in similar context throughout the licensing provisions {cf., e.g., present Art. 66 1/2, §§ 1-140, 6-111(c), 6-113(a), 6-205.1(b), and 6-601(e)}. A more dramatic example is that of present Art. 66 1/2, §14-114, which states that "{a}ny person driving any vehicle ... upon any highway ... shall be liable for all damage which the highway ... may sustain as a result of any illegal operation, driving, or moving of the vehicle ..." (emphasis added).

The Commission would emphasize that adoption of this definition does not alter the substance of the offense established by present §11-902(b), the section considered by the Court of Appeals in Thomas. See §21-902 of this article.

11-115. DRIVER.

"DRIVER" MEANS ANY INDIVIDUAL WHO DRIVES A VEHICLE.

REVISOR'S NOTE: This section is new language substituted for present Art. 66 1/2, §1-122, which defines "driver" in terms made unnecessary by the use here of the word "drive", as defined in §11-114 of this subtitle. See revisor's note to that section.

11-116. DRIVER'S LICENSE.