

(e) Circumstances of the arrest;

(f) The manner in which the vehicle was being used.

(2) A motor vehicle used in violation of this subtitle shall not be seized and forfeiture shall not be recommended to the State's attorney when:

(i) The motor vehicle is being used by a member of the family other than the registered owner and controlled dangerous substances or paraphernalia are located therein in a quantity insufficient to suggest a sale is contemplated, and where no sale was made or attempted, and the registered owner neither knew nor should have known that such material was in the motor vehicle;

(ii) An innocent registered owner lends his motor vehicle to another and the latter or someone invited into the motor vehicle by such person causes controlled dangerous substances or paraphernalia to be brought into the vehicle without the knowledge of the owner.

(iii) The motor vehicle falls within the provisions of § 297(a)(4)(i) or (ii).

(3) Forfeiture of the motor vehicle used in violation of this subtitle shall be recommended to the State's Attorney only after the chief law-enforcement officer of the police department, bureau, or force that seized the motor vehicle has determined from the records of the motor vehicle administration the names and addresses of all registered owners and secured parties as defined in the Code, has personally reviewed the facts and circumstances of the seizure and has personally determined, according to the above guidelines, that forfeiture is warranted and so represents in writing to the appropriate State's Attorney.

(g) If the State's Attorney determines independent of the decision of the police department, bureau, or force that seized the motor vehicle that the motor vehicle falls within the purview of subsection (f)(2)(i), (ii) or (iii) or that the standards to be utilized pursuant to subsection (f)(1) were not met, the State's Attorney shall surrender the vehicle upon request to the owner.

(h) (1) If the State's Attorney determines after the recommendation of the chief law enforcement officer of the police department, bureau, or force that seized the motor vehicle that the motor vehicle should be forfeited to the State, the State's Attorney, within 45 days after the seizure of the motor vehicle, shall: