

~~3.]~~ 2. A previous conviction of the violator for a controlled dangerous substances violation;

[4. Corroborated information is developed indicating that the violator is or was recently a seller, or frequently associates with individuals known to be distributors of illegal controlled dangerous substances or paraphernalia;]

2. 4. EVIDENCE THAT THE MOTOR VEHICLE WAS ACQUIRED BY USE OF PROCEEDS FROM A TRANSACTION INVOLVING A CONTROLLED DANGEROUS SUBSTANCE;

~~5.]~~ 4. Circumstances of the arrest; ~~for]~~

~~6.]~~ 5. The manner in which the vehicle was being used; ~~OR~~

~~6. THERE IS OTHER PROBABLE CAUSE TO BELIEVE THAT THE MOTOR VEHICLE WAS USED OR INTENDED FOR USE IN COMMITTING OR FACILITATING THE COMMISSION OF A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBHEADING.~~

(2) A motor vehicle used in violation of this subtitle shall not be seized and forfeiture shall not be recommended to the forfeiting authority 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 did not know 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; or

(iii) The motor vehicle falls within the provisions of subsection (b)(4)(i) or (ii) of this section.

(3) (i) Forfeiture of the motor vehicle used in violation of this subtitle shall be recommended to the forfeiting authority 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 forfeiting authority.

(ii) In a proceeding under this section for forfeiture of a motor vehicle:

1. A sworn affidavit by the chief law enforcement officer that the chief followed the requirements of this paragraph is admissible in evidence; and