

# HOUSE BILL 1455

R5

7lr2757

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By: **Delegate Parrott**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Highway Parking – Prohibition Against Prolonged Parking of Inoperable or**  
3 **Disabled Vehicle**

4 FOR the purpose of prohibiting the parking of a disabled, inoperable, or immobilized vehicle  
5 on a public street for more than a certain amount of time; requiring that certain  
6 notice be posted on a vehicle parked in violation of this Act prior to towing the  
7 vehicle; requiring that certain notice be provided following the impounding of a  
8 vehicle under this Act; defining a certain term; providing for the application of this  
9 Act; and generally relating to parking requirements.

10 BY adding to

11 Article – Transportation  
12 Section 21–1004(g)  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2016 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Transportation  
17 Section 25–204  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2016 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Transportation**

23 21–1004.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(G) (1) (I) IN THIS SUBSECTION, “AN INOPERABLE OR A DISABLED**  
2 **VEHICLE” MEANS A VEHICLE THAT IS VISIBLY UNABLE TO FUNCTION OR MOVE OR**  
3 **WHICH, THOUGH ABLE TO OPERATE OR MOVE, POSES A SEVERE SAFETY HAZARD.**

4                   **(II) “AN INOPERABLE OR A DISABLED VEHICLE” INCLUDES:**

5                           **1. A VEHICLE THAT IS MISSING A WHEEL OR WHEELS;**

6                           **2. A VEHICLE THAT HAS A SEVERELY UNDERINFLATED**  
7 **OR FLAT TIRE OR TIRES; AND**

8                           **3. A VEHICLE WITH A SEVERELY DAMAGED**  
9 **WINDSHIELD.**

10                   **(2) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**  
11 **PERSON MAY NOT LEAVE AN INOPERABLE OR A DISABLED VEHICLE CONTINUOUSLY**  
12 **PARKED IN THE SAME LOCATION ON A HIGHWAY FOR MORE THAN 7 DAYS.**

13                   **(3) (I) A VEHICLE THAT IS IN VIOLATION OF PARAGRAPH (2) OF**  
14 **THIS SUBSECTION MAY NOT BE TOWED UNLESS NOTICE OF THE INTENT TO TOW THE**  
15 **VEHICLE IS POSTED PROMINENTLY ON THE VEHICLE AT LEAST 72 HOURS IN**  
16 **ADVANCE.**

17                   **(II) THE NOTICE OF THE INTENT TO TOW AN INOPERABLE OR A**  
18 **DISABLED VEHICLE SHALL INCLUDE:**

19                           **1. THE ADDRESS AND TELEPHONE NUMBER OF THE**  
20 **FACILITY WHERE THE VEHICLE WILL BE IMPOUNDED; AND**

21                           **2. CONTACT INFORMATION WHERE THE OWNER OF THE**  
22 **VEHICLE MAY DIRECT QUESTIONS REGARDING THE NOTICE OF THE INTENT TO TOW.**

23                   **(4) WHEN A VEHICLE IS TAKEN INTO CUSTODY UNDER THIS SECTION,**  
24 **A POLICE DEPARTMENT SHALL FOLLOW THE SAME NOTICE REQUIREMENTS AS**  
25 **THOSE FOR ABANDONED VEHICLES UNDER § 25–204 OF THIS ARTICLE.**

26                   **(5) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO A**  
27 **VEHICLE THAT HAS BEEN IMMOBILIZED BY A LOCAL GOVERNMENTAL ENTITY OR AN**  
28 **AGENT OF A LOCAL GOVERNMENTAL ENTITY.**

29 25–204.

1 (a) As soon as reasonably possible and within 7 days at most after it takes an  
2 abandoned vehicle into custody, a police department shall send a notice, by certified mail,  
3 return receipt requested, bearing a postmark from the United States Postal Service, to:

4 (1) The last known registered owner of the vehicle; and

5 (2) Each secured party, as shown on the records of the Administration.

6 (b) The notice shall:

7 (1) State that the abandoned vehicle has been taken into custody;

8 (2) Describe the year, make, model, and vehicle identification number of  
9 the vehicle;

10 (3) Give the location of the facility where the vehicle is held;

11 (4) (i) Inform the owner and secured party of the owner's and secured  
12 party's right to reclaim the vehicle within 3 weeks after the date of the notice, on payment  
13 of all towing, preservation, and storage charges resulting from taking or placing the vehicle  
14 in custody; or

15 (ii) In Baltimore City and Montgomery County, be sent by certified  
16 mail, return receipt requested, and inform the owner and secured party of the owner's and  
17 secured party's right to reclaim the vehicle within 11 working days after the receipt of the  
18 notice, on payment of all towing, preservation, and storage charges resulting from taking  
19 or placing the vehicle in custody; and

20 (5) State that the failure of the owner or secured party to exercise this right  
21 in the time provided is:

22 (i) A waiver by the owner or secured party of all of the owner's or  
23 secured party's right, title, and interest in the vehicle;

24 (ii) A consent to the sale of the vehicle at public auction; and

25 (iii) A consent by the owner other than a lessor to the retention of the  
26 vehicle for public purposes as provided in § 25–207 of this subtitle.

27 (c) In Baltimore City, Prince George's County, and Montgomery County, a police  
28 department or its agent may seek to recover costs of impoundment, storage, and sale of a  
29 vehicle as provided by §§ 25–206.1 and 25–206.2 of this subtitle. If a police department or  
30 its agent seeks to apply the provisions of §§ 25–206.1 and 25–206.2 of this subtitle, the  
31 notice required by this section shall also state that the failure of the owner or secured party  
32 to exercise the right to reclaim the vehicle in the time provided may cause:

33 (1) Continuing liability of the owner for costs of:

- 1 (i) Impoundment;
- 2 (ii) Storage within the chargeable limit for storage as provided in §  
3 25–206.1(b) of this subtitle; and
- 4 (iii) Sale of the vehicle; and
- 5 (2) Denial of any application by the owner to renew the registration of any  
6 vehicle as required by § 25–206.2 of this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2017.