

# HOUSE BILL 238

R7

EMERGENCY BILL  
ENROLLED BILL

(8lr0798)

— *Environment and Transportation/Judicial Proceedings* —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o’clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George’s County – Vehicle Laws – Authority to Tow ~~Abandoned~~ Vehicles**

3 **PG 418–18**

4 FOR the purpose of *prohibiting the governing body of Prince George’s County and the police*  
5 *department in Prince George’s County from using other persons, equipment, or*  
6 *facilities for removing, preserving, and storing vehicles under State and local law*  
7 *except under certain circumstances;* altering the definition of “police department” to  
8 include an ~~entity~~ *appropriate agency or department* designated by the County  
9 Executive of Prince George’s County for purposes of provisions relating to the towing  
10 of abandoned vehicles in Prince George’s County; *making conforming changes;*  
11 *making this Act an emergency measure;* and generally relating to the authority to  
12 tow ~~abandoned~~ vehicles in Prince George’s County.

13 *BY repealing and reenacting, without amendments.*

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Article – Transportation  
 2 Section 16-303.1(a)  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2017 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Transportation  
 7 Section 16-303.1(b), 25-201, and 25-203  
 8 Annotated Code of Maryland  
 9 (2012 Replacement Volume and 2017 Supplement)

10 BY ~~repealing and reenacting, without amendments,~~ adding to  
 11 Article – Transportation  
 12 Section ~~25-203~~ 25-115  
 13 Annotated Code of Maryland  
 14 (2012 Replacement Volume and 2017 Supplement)

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

17 **Article – Transportation**

18 16-303.1.

19 (a) In this section, “police department” has the meaning stated in § 25-201 of this  
 20 article.

21 (b) (1) For the purpose of impounding or immobilizing a vehicle under this  
 22 section, the police department may use its own personnel, equipment, and facilities or,  
 23 subject to the provisions of paragraph (2) of this subsection AND EXCEPT AS PROVIDED IN  
 24 § 25-115 OF THIS ARTICLE, use other persons, equipment, and facilities for immobilizing  
 25 vehicles or removing, preserving, and storing impounded vehicles.

26 (2) A police department may not authorize the use of a tow truck under  
 27 paragraph (1) of this subsection unless the tow truck is registered under § 13-920 of this  
 28 article.

29 25-115.

30 (A) IN THIS SECTION, “POLICE DEPARTMENT” HAS THE MEANING STATED IN  
 31 § 25-201(E)(5) OF THIS TITLE.

32 (B) NEITHER THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY NOR  
 33 THE POLICE DEPARTMENT MAY USE OTHER PERSONS, EQUIPMENT, OR FACILITIES  
 34 FOR REMOVING, PRESERVING, AND STORING VEHICLES UNDER § 16-303.1 OF THIS  
 35 ARTICLE, § 25-203 OF THIS TITLE, OR ANY OTHER STATE OR LOCAL LAW UNLESS THE

1 SERVICES OF THE PERSON OR THE EQUIPMENT OR FACILITIES ARE SELECTED FROM  
2 AN OPEN PROCUREMENT ADMINISTERED BY THE PRINCE GEORGE'S COUNTY  
3 OFFICE OF CENTRAL SERVICES.

4 25–201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Abandoned vehicle” means any motor vehicle, trailer, or semitrailer:

7 (1) That is inoperable and left unattended on public property for more than  
8 48 hours;

9 (2) That has remained illegally on public property for more than 48 hours;

10 (3) That has remained on private property for more than 48 hours without  
11 the consent of the owner or person in control of the property;

12 (4) That has remained in a garage for more than 10 days after the garage  
13 keeper has given the owner of the vehicle notice by certified mail, return receipt requested,  
14 bearing a postmark from the United States Postal Service, to remove the vehicle;

15 (5) That has remained in a garage for more than 10 days after the period  
16 when, by contract, the vehicle was to remain in the garage;

17 (6) That was left for more than 10 days in a garage by:

18 (i) Someone other than its registered owner; or

19 (ii) A person authorized to have possession of the vehicle under a  
20 contract of use, service, storage, or repair;

21 (7) That has remained on public property for more than 48 hours and:

22 (i) Is not displaying currently valid registration plates; or

23 (ii) Is displaying registration plates of another vehicle;

24 (8) That has been left unattended on any portion of a “controlled access  
25 highway” as defined in § 8–101(f) of this article for more than 24 hours;

26 (9) That has been left unattended on any portion of a primary or secondary  
27 highway or controlled access highway, as defined in § 8–101 of this article, and is in  
28 violation of any of the provisions of § 22–408 of this article; or

29 (10) That is not reclaimed as provided under § 27–111 of this article.

- 1 (c) "Garage" means any of the following, if operated for commercial purposes:
- 2 (1) A parking place or establishment;
- 3 (2) A vehicle storage facility; or
- 4 (3) An establishment for the servicing, repair, or maintenance of vehicles.
- 5 (d) (1) "Lessor" means a person who regularly leases or offers to lease motor  
6 vehicles.
- 7 (2) "Lessor" includes:
- 8 (i) An assignee of leases; and
- 9 (ii) A person who during any 12-month period offers to lease 5 or  
10 more motor vehicles or who is assigned 5 or more leases.
- 11 (e) "Police department" means:
- 12 (1) The Department of State Police;
- 13 (2) The police department of any political subdivision of this State;
- 14 (3) In Baltimore City, the appropriate agency designated by the Board of  
15 Estimates;
- 16 (4) The police forces of public colleges and universities;
- 17 (5) In Prince George's County, [if designated by the County Executive, the  
18 Prince George's County Department of Environmental Resources] ~~AN ENTITY~~  
19 **APPROPRIATE AGENCY OR DEPARTMENT DESIGNATED BY THE COUNTY EXECUTIVE;**
- 20 (6) In any municipality in Prince George's County or Montgomery County,  
21 an appropriate agency or department designated by the governing body of the municipality;  
22 and
- 23 (7) The police force of any State government agency.
- 24 25-203.
- 25 (a) A police department may take any abandoned vehicle into custody. For this  
26 purpose, the police department may use its own personnel, equipment, and facilities or,  
27 subject to the provisions of subsection (b) of this section **AND EXCEPT AS PROVIDED IN §**

1 25-115 OF THIS TITLE, use other persons, equipment, and facilities for removing,  
2 preserving, and storing abandoned vehicles.

3 (b) A police department may not authorize the use of a tow truck under subsection  
4 (a) of this section unless the tow truck is registered under § 13-920 of this article.

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
6 ~~October 1, 2018.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
8 measure, is necessary for the immediate preservation of the public health or safety, has been  
9 passed by a yea and nay vote supported by three-fifths of all the members elected to each of  
10 the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

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Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.