

HOUSE BILL 903

L2, R5

8lr0690
CF SB 847

By: **Delegate Parrott**

Introduced and read first time: February 5, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Highway Parking – Prohibition on Prolonged Parking of**
3 **Inoperable or 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 in Washington County;
6 requiring that certain notice be posted on a vehicle parked in violation of this Act
7 prior to towing the vehicle; requiring that certain notice be provided following the
8 impounding of a vehicle under this Act; establishing a certain penalty; defining a
9 certain term; providing for the application of this Act; and generally relating to
10 parking requirements in Washington County.

11 BY adding to
12 Article – Transportation
13 Section 21–1004(g)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2017 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Transportation
18 Section 25–204
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2017 Supplement)

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

23 **Article – Transportation**

24 21–1004.

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 DISABLED**
2 **VEHICLE” MEANS A VEHICLE THAT IS VISIBLY UNABLE TO FUNCTION OR MOVE OR**
3 **THAT, THOUGH ABLE TO OPERATE OR MOVE, POSES A SEVERE SAFETY HAZARD.**

4 **(II) “AN INOPERABLE OR 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) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

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

15 **(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY**
16 **TO A VEHICLE THAT HAS BEEN IMMOBILIZED BY A LOCAL GOVERNMENTAL ENTITY**
17 **OR AN AGENT OF A LOCAL GOVERNMENTAL ENTITY.**

18 **(4) A PERSON WHO VIOLATES PARAGRAPH (3) OF THIS SUBSECTION**
19 **IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
20 **EXCEEDING \$500.**

21 **(5) (I) A VEHICLE THAT IS LEFT IN VIOLATION OF PARAGRAPH (3)**
22 **OF THIS SUBSECTION MAY BE TOWED ONLY IF NOTICE OF THE INTENT TO TOW THE**
23 **VEHICLE IS POSTED PROMINENTLY ON THE VEHICLE AT LEAST 72 HOURS IN**
24 **ADVANCE.**

25 **(II) THE NOTICE OF THE INTENT TO TOW AN INOPERABLE OR**
26 **DISABLED VEHICLE SHALL INCLUDE:**

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

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

1 **(6) IF A VEHICLE IS TAKEN INTO CUSTODY UNDER THIS SECTION, A**
2 **POLICE DEPARTMENT SHALL FOLLOW THE SAME NOTICE REQUIREMENTS AS THOSE**
3 **FOR ABANDONED VEHICLES UNDER § 25–204 OF THIS ARTICLE.**

4 25–204.

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

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

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

10 (b) The notice shall:

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

12 (2) Describe the year, make, model, and vehicle identification number of
13 the vehicle;

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

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

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

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

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

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

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

31 (c) In Baltimore City, Prince George's County, and Montgomery County, a police
32 department or its agent may seek to recover costs of impoundment, storage, and sale of a

1 vehicle as provided by §§ 25–206.1 and 25–206.2 of this subtitle. If a police department or
2 its agent seeks to apply the provisions of §§ 25–206.1 and 25–206.2 of this subtitle, the
3 notice required by this section shall also state that the failure of the owner or secured party
4 to exercise the right to reclaim the vehicle in the time provided may cause:

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

6 (i) Impoundment;

7 (ii) Storage within the chargeable limit for storage as provided in §
8 25–206.1(b) of this subtitle; and

9 (iii) Sale of the vehicle; and

10 (2) Denial of any application by the owner to renew the registration of any
11 vehicle as required by § 25–206.2 of this subtitle.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.