

# SENATE BILL 847

L2, R5

8lr3735  
CF HB 903

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By: **Washington County Senators**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 31, 2018

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

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:

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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.



## Article – Transportation

21-1004.

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

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

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

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

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

**(2) THIS SUBSECTION APPLIES ONLY IN WASHINGTON COUNTY.**

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

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

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

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

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

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

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

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

6 25–204.

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

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

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

12           (b) The notice shall:

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

14                   (2) Describe the year, make, model, and vehicle identification number of  
15 the vehicle;

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

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

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

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

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

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

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

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

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

10 (i) Impoundment;

11 (ii) Storage within the chargeable limit for storage as provided in §  
12 25–206.1(b) of this subtitle; and

13 (iii) Sale of the vehicle; and

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.