

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 238

(Prince George's County Delegation)

Environment and Transportation

Judicial Proceedings

Prince George's County – Vehicle Laws – Authority to Tow Vehicles PG 418–18

This emergency bill modifies the definition of “police department” for purposes related to the towing of abandoned vehicles in Prince George’s County to include an appropriate agency or department designated by the county executive. As a result, the bill repeals a provision that specifies a “police department” includes the Prince George’s County Department of Environmental Resources (if so designated by the county executive). In addition, the bill prohibits the governing body of Prince George’s County or the “police department” in the county from using other persons, equipment, or facilities for removing, preserving, and storing abandoned vehicles unless the services of the person, equipment, or facilities are selected from an open procurement process.

Fiscal Summary

State Effect: The bill does not affect State operations or finances.

Local Effect: To the extent the Prince George’s County Executive designates an agency or department as a “police department,” county revenues may increase minimally due to additional or more efficient towing of abandoned vehicles. Expenditures are likely not materially affected.

Small Business Effect: Minimal.

Analysis

Current Law:

Police Departments and Abandoned Vehicles

With respect to abandoned vehicles, a “police department” includes:

- the Department of State Police;
- the police department of any political subdivision of the State;
- in Baltimore City, the appropriate agency designated by the Board of Estimates;
- the police forces of public colleges and universities;
- in Prince George’s County, the county Department of Environmental Resources (if so designated by the county executive);
- in any municipality in Prince George’s or Montgomery counties, an appropriate agency or department designated by the governing body of the municipality; and
- the police force of any State government agency.

Abandoned Vehicles

An “abandoned vehicle” is defined, among other things, as any motor vehicle, trailer, or semitrailer that is inoperable and left unattended on public property for more than 48 hours or that has remained illegally on public property for more than 48 hours. In addition, the definition includes a vehicle that has been left unattended on any portion of a controlled access highway for more than 24 hours.

A person may not abandon a vehicle on any public property. The last known registered owner of an abandoned vehicle is considered to be the *prima facie* owner of the vehicle at the time of abandonment as well as the person who abandoned it.

A police department is authorized to take any abandoned vehicle into custody using its own personnel, equipment, and facilities. In addition, subject to specified requirements, a police department may use other persons, equipment, and facilities for removing, preserving, and storing abandoned vehicles.

Required Notice

As soon as reasonably possible – but no more than seven days after it takes an abandoned vehicle into custody – a police department must send a notice by certified U.S. mail with a return receipt requested to (1) the last known registered owner of the vehicle and (2) each secured party, as shown on Motor Vehicle Administration records.

The notice must include specified information, including information about the vehicle and the location of the facility where the vehicle is held. In general, a vehicle may be reclaimed within three weeks after the date of the notice, after payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody. (In Baltimore City and Montgomery County, the vehicle must be reclaimed within 11 working days after receipt of the notice and payment of any applicable charges.) Failure to reclaim the vehicle within the appropriate time period is considered (1) a waiver of the owner's or secured party's right, title, and interest in the vehicle; (2) a consent to the sale of the vehicle at public auction; and (3) a consent by the owner (other than a lessor) to the retention of the vehicle for public purposes as specified in the Transportation Article.

In Baltimore City and Prince George's and Montgomery counties, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle, as specified in the Transportation Article. If a police department or its agent seeks to exercise this option, the required notice must include additional information specifying the consequences of failing to reclaim the vehicle within the specified time period.

Background: The county advises that it intends to transfer responsibilities related to towing and disposal of abandoned vehicles to the Revenue Authority of Prince George's County. The authority is a quasi-governmental entity that serves as a real estate development and development finance agency, an operator of programs and facilities, and a manager of programs and facilities in partnership with other county agencies.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County; Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2018
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