
By: Delegate Wood

Introduced and read first time: February 7, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Police Authority - Towing**

3 FOR the purpose of authorizing a police officer to impound or order the impoundment of
4 a motor vehicle under certain circumstances; creating a certain lien to secure
5 payment of reasonable charges incurred by the impoundment of a motor vehicle
6 under this Act; requiring a police officer impounding or ordering the impoundment
7 of a motor vehicle to provide the driver or the registered owner of the motor vehicle
8 a certain notice regarding the impoundment and the creation of a lien on the motor
9 vehicle; providing for the construction and application of certain provisions of this
10 Act; and generally relating to the impoundment of a motor vehicle and the creation
11 of a lien on the motor vehicle.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 11-147, 25-201, and 25-203
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

17 BY adding to
18 Article - Transportation
19 Section 25-211
20 Annotated Code of Maryland
21 (1992 Replacement Volume and 1995 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Commercial Law
24 Section 16-201(a) and (f) and 16-205(b)
25 Annotated Code of Maryland
26 (1990 Replacement Volume and 1995 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Commercial Law
29 Section 16-202(c)
30 Annotated Code of Maryland

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1 (1990 Replacement Volume and 1995 Supplement)

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

4 **Article - Transportation**

5 11-147.

6 "Police officer" means an officer authorized to direct or regulate traffic or to make
7 arrests for violations of any of the provisions of the Maryland Vehicle Law or of local or
8 other traffic laws or regulations.

9 25-201.

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

11 (b) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

12 (1) That is inoperable and left unattended on public property for more than
13 48 hours;

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

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

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

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

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

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

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

27 (7) That has remained on public property for more than 48 hours; and

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

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

30 (8) That has been left unattended on any portion of a "controlled access
31 highway" as defined in § 8-101(f) of this article for more than 24 hours; or

32 (9) That has been left unattended on any portion of a primary or secondary
33 highway or controlled access highway, as defined in § 8-101 of this article, and is in
34 violation of any of the provisions of § 22-408 of this article.

35 (c) "Garage" means any of the following, if operated for commercial purposes:

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- 1 (1) A parking place or establishment;
- 2 (2) A vehicle storage facility; or
- 3 (3) An establishment for the servicing, repair, or maintenance of vehicles.

4 (d) (1) "Lessor" means a person who regularly leases or offers to lease motor
5 vehicles.

6 (2) "Lessor" includes:

- 7 (i) An assignee of leases; and
- 8 (ii) A person who during any 12-month period offers to lease 5 or
9 more motor vehicles or who is assigned 5 or more leases.

10 (e) "Police department" means:

- 11 (1) The Department of State Police;
- 12 (2) The police department of any political subdivision of this State;
- 13 (3) In Baltimore City, the appropriate agency designated by the Board of
14 Estimates;
- 15 (4) The police forces of public colleges and universities;
- 16 (5) In Prince George's County, if designated by the County Executive, the
17 Prince George's County Department of Environmental Resources;
- 18 (6) In any municipality in Prince George's County or Montgomery County,
19 an appropriate agency or department designated by the governing body of the
20 municipality; and
- 21 (7) The police force of any State government agency.

22 25-203.

23 (a) A police department may take any abandoned vehicle into custody. For this
24 purpose, the police department may use its own personnel, equipment, and facilities or,
25 subject to the provisions of subsection (b) of this section, use other persons, equipment,
26 and facilities for removing, preserving, and storing abandoned vehicles.

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

30 25-211.

31 (A) A POLICE OFFICER MAY IMPOUND OR ORDER THE IMPOUNDMENT OF A
32 MOTOR VEHICLE ON A HIGHWAY OR PRIVATE PROPERTY THAT IS USED BY THE
33 PUBLIC IN GENERAL IF THE POLICE OFFICER REASONABLY DETERMINES THAT:

- 34 (1) THE MOTOR VEHICLE IS IMPEDING THE FREE FLOW OF TRAFFIC;

4

1 (2) IN THE CASE OF AN INDIVIDUAL CHARGED WITH A VIOLATION OF §
2 21-902 OF THIS ARTICLE, THE DRIVER OF THE VEHICLE IS NOT CAPABLE OF
3 OPERATING THE VEHICLE SAFELY;

4 (3) IN THE CASE OF AN ACCIDENT OR OTHER EMERGENCY, THE
5 DRIVER OF THE VEHICLE REQUIRES EMERGENCY MEDICAL ASSISTANCE AND IS
6 INCAPABLE OF OPERATING THE MOTOR VEHICLE SAFELY;

7 (4) THE MOTOR VEHICLE IS STOLEN; OR

8 (5) THE MOTOR VEHICLE OR THE OPERATION OF THE MOTOR VEHICLE
9 CONSTITUTES A THREAT TO PUBLIC SAFETY.

10 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICE
11 OFFICER WHO IMPOUNDS OR ORDERS THE IMPOUNDMENT OF A MOTOR VEHICLE
12 UNDER THIS SECTION SHALL NOTIFY THE DRIVER OF THE MOTOR VEHICLE IN
13 WRITING THAT:

14 (I) THE MOTOR VEHICLE HAS BEEN IMPOUNDED; AND

15 (II) IN ORDER TO SECURE THE PAYMENT OF ALL REASONABLE
16 IMPOUNDMENT CHARGES, THE MOTOR VEHICLE IS SUBJECT TO A LIEN IN FAVOR OF
17 THE PERSON IMPOUNDING AND STORING THE MOTOR VEHICLE AS PROVIDED IN §
18 16-202(C) OF THE COMMERCIAL LAW ARTICLE.

19 (2) THE POLICE OFFICER SHALL PROVIDE THE NOTICE REQUIRED
20 UNDER PARAGRAPH (1) OF THIS SUBSECTION BY CERTIFIED MAIL, RETURN RECEIPT
21 REQUESTED, TO THE LAST KNOWN REGISTERED OWNER OF THE MOTOR VEHICLE
22 IF:

23 (I) THE DRIVER OF THE MOTOR VEHICLE AT THE TIME OF THE
24 IMPOUNDMENT IS NOT THE REGISTERED OWNER OF THE MOTOR VEHICLE; OR

25 (II) THE POLICE OFFICER REASONABLY BELIEVES THAT THE
26 DRIVER OF THE MOTOR VEHICLE IS NOT CAPABLE OF UNDERSTANDING THE
27 NOTICE DUE TO INJURY, ILLNESS, INTOXICATION, OR OTHER IMPAIRMENT.

28 (C) (1) THIS SECTION DOES NOT ALTER OR LIMIT ANY OTHER PROVISION
29 OF THIS SUBTITLE.

30 (2) IF A MOTOR VEHICLE IS IMPOUNDED UNDER § 25-203 OF THIS
31 SUBTITLE, OR IS IMPOUNDED UNDER THIS SECTION AND SUBSEQUENTLY BECOMES
32 AN ABANDONED VEHICLE, THE PROVISIONS OF THIS SUBTITLE RELATING TO
33 ABANDONED VEHICLES APPLY.

34 **Article - Commercial Law**

35 16-201.

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

37 (f) (1) "Motor vehicle" has the meaning stated in Title 11 of the Transportation
38 Article.

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1 (2) "Motor vehicle" includes any part of a motor vehicle.

2 16-202.

3 (c) (1) (I) Any person who, with the consent of the owner, has custody of a
4 motor vehicle and who, at the request of the owner, provides a service to or materials for
5 the motor vehicle, has a lien on the motor vehicle for any charge incurred for any:

6 [(i)] 1. Repair or rebuilding;

7 [(ii)] 2. Storage; or

8 [(iii)] 3. Tires or other parts or accessories.

9 [(2)] (II) A lien is created under this [subsection] PARAGRAPH when any
10 charges set out under [paragraph (1)] SUBPARAGRAPH (I) of this [subsection]
11 PARAGRAPH giving rise to the lien are incurred.

12 (2) ANY PERSON WHO IMPOUNDS A MOTOR VEHICLE AT THE
13 DIRECTION OF A POLICE OFFICER UNDER § 25-211 OF THE TRANSPORTATION
14 ARTICLE HAS A LIEN ON THE MOTOR VEHICLE FOR ALL REASONABLE CHARGES
15 INCURRED FOR THE TOWING, REMOVAL, IMPOUNDMENT, AND STORAGE OF THE
16 MOTOR VEHICLE.

17 16-205.

18 (b) A motor vehicle lien is subordinate only to a security interest perfected as
19 required by law, except in the case of a motor vehicle sold under § 16-207 of this subtitle.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1996.