
By: Senator Green

Introduced and read first time: February 1, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Abandoned Vehicles - Notice to Secured Parties**

3 FOR the purpose of altering certain notification procedures to require a police
4 department in Prince George's County, after taking an abandoned vehicle into
5 custody, to send a certain notice to each party with a security interest in the vehicle
6 as shown on records of the Motor Vehicle Administration only if the abandoned
7 vehicle is less than a certain age; and generally relating to the notification in Prince
8 George's County of secured parties when an abandoned vehicle is taken into
9 custody.

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

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 25-204
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

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

22 **Article - Transportation**

23 25-201.

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

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

26 (1) That is inoperable and left unattended on public property for more than
27 48 hours;

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) A parking place or establishment;

23 (2) A vehicle storage facility; or

24 (3) An establishment for the servicing, repair, or maintenance of vehicles.

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

27 (2) "Lessor" includes:

28 (i) An assignee of leases; and

29 (ii) A person who during any 12-month period offers to lease 5 or
30 more motor vehicles or who is assigned 5 or more leases.

31 (e) "Police department" means:

32 (1) The Department of State Police;

33 (2) The police department of any political subdivision of this State;

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1 (3) In Baltimore City, the appropriate agency designated by the Board of
2 Estimates;

3 (4) The police forces of public colleges and universities;

4 (5) In Prince George's County, if designated by the County Executive, the
5 Prince George's County Department of Environmental Resources;

6 (6) In any municipality in Prince George's County or Montgomery County,
7 an appropriate agency or department designated by the governing body of the
8 municipality; and

9 (7) The police force of any State government agency.

10 25-204.

11 (a) (1) As soon as reasonably possible and within 7 days at most after it takes an
12 abandoned vehicle into custody, a police department shall send a notice, by certified mail,
13 return receipt requested, bearing a postmark from the United States Postal Service, to:

14 [(1)] (I) The last known registered owner of the vehicle; and

15 [(2)] (II) [Each] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
16 EACH secured party, as shown on the records of the Administration.

17 (2) IN PRINCE GEORGE'S COUNTY, A POLICE DEPARTMENT SHALL SEND
18 THE NOTICE TO EACH SECURED PARTY AS REQUIRED UNDER PARAGRAPH (1)(II) OF
19 THIS SUBSECTION ONLY IF THE ABANDONED VEHICLE IS LESS THAN 10 YEARS OLD.

20 (b) The notice shall:

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

22 (2) Describe the year, make, model, and vehicle identification number of
23 the vehicle;

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

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

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

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

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

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

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

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

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

11 (i) Impoundment;

12 (ii) Storage within the chargeable limit for storage as provided in §
13 25-206.1(b) of this subtitle; and

14 (iii) Sale of the vehicle; and

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

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