
By: **Senator Exum**

Introduced and read first time: January 23, 2004

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Authority of Police Department to Tow Abandoned Vehicles**
3 **on Public Property**

4 FOR the purpose of altering, for purposes of certain provisions concerning the
5 authority of a police department to take vehicles into custody, the definition of
6 "abandoned vehicle" to include a vehicle that does not display valid registration
7 plates and is left, for any period of time, on public property; and generally
8 relating to the authority of a police department to take certain abandoned
9 vehicles into custody.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 25-201
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 25-202 and 25-203
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2003 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
27 than 48 hours;

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

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

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

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

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

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

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

15 (7) That [has remained] IS on public property [for more than 48 hours]
16 and[:

17 (i) Is] IS not displaying currently valid registration plates; [or

18 (ii)] (8) [Is] THAT HAS REMAINED ON PUBLIC PROPERTY FOR
19 MORE THAN 48 HOURS AND IS displaying registration plates of another vehicle;

20 [(8)] (9) That has been left unattended on any portion of a "controlled
21 access highway" as defined in § 8-101(f) of this article for more than 24 hours;

22 [(9)] (10) That has been left unattended on any portion of a primary or
23 secondary highway or controlled access highway, as defined in § 8-101 of this article,
24 and is in violation of any of the provisions of § 22-408 of this article; or

25 [(10)] (11) That is not reclaimed as provided under § 27-111 of this
26 article.

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

28 (1) A parking place or establishment;

29 (2) A vehicle storage facility; or

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

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

1 (2) "Lessor" includes:

2 (i) An assignee of leases; and

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

5 (e) "Police department" means:

6 (1) The Department of State Police;

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

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

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

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

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

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

17 25-202.

18 (a) A person may not abandon a vehicle:

19 (1) On any public property; or

20 (2) On any property other than his own without the permission of the
21 owner or lessee of the property.

22 (b) The last known registered owner of an abandoned vehicle is considered to
23 be the prima facie owner of the vehicle at the time it was abandoned and the person
24 who abandoned it.

25 25-203.

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2004.