

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 178

(Senator Exum)

Judicial Proceedings

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

This bill expands the definition of “abandoned vehicle” to mean any motor vehicle, trailer, or semi-trailer that is on public property for any length of time and is not displaying currently valid registration plates or that has remained on public property for more than 48 hours and is displaying the registration plates of another vehicle.

Fiscal Summary

State Effect: None. The bill is not expected to affect State operations or finances.

Local Effect: The bill is not expected to substantively affect local operations or finances. Enforcement of the bill’s provisions can be accomplished with existing resources.

Small Business Effect: None.

Analysis

Current Law: An “abandoned vehicle” means any motor vehicle, trailer, or semi-trailer that:

- is inoperable and left unattended on public property for more than 48 hours;
- has remained illegally on public property for more than 48 hours;

- has remained on private property for more than 48 hours without the owner's consent or consent of the person in control of the property;
- has remained in a garage for more than 10 days after the garage keeper has adequately notified the vehicle owner to remove the vehicle;
- has remained in a garage for more than 10 days after the garage storage contract has expired;
- was left for more than 10 days in a garage by someone other than the registered owner or a person authorized to possess a vehicle under a contract of use, service, storage, or repair;
- has remained on public property for more than 48 hours and is not currently displaying valid registration plates or is displaying the registration plates of another vehicle;
- has been left unattended on any portion of a controlled access highway for more than 24 hours;
- has been left unattended on any portion of a primary or secondary highway, or controlled access highway without adequate warning signals, as specified by law; or
- is not reclaimed as specified by law after impoundment or immobilization due to alcohol- or drug-related driving offenses.

A person is prohibited from abandoning a vehicle on any public property or on property other than his or her own without the property owner's or lessee's consent. The last known registered owner of an abandoned vehicle is considered *prima facie* to be the owner of the vehicle at the time it was abandoned and the person responsible for abandonment.

A police department may take any abandoned vehicle into custody. Resources of the police department or other persons, equipment, and facilities may be used to dispose of, or preserve and store abandoned vehicles. However, a police department may not authorize the use of a tow truck unless the tow truck is properly registered with the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Garrett County, Dorchester County, Department of State Police, Baltimore County, Anne Arundel County, Baltimore City, Department of Legislative Services

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ncs/jr

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