
By: **Senator Giannetti**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Abandoned Vehicles - Storage and Sale**

3 FOR the purpose of requiring a certain police department to provide a certain notice
4 to a garage keeper if an abandoned vehicle is stored in a garage; authorizing a
5 garage keeper to send or post a certain notice if a police department has not sent
6 or posted the notice within a certain time period; providing that a police
7 department may authorize a garage keeper to sell a vehicle stored at a garage
8 under certain circumstances and subject to certain requirements; authorizing a
9 garage keeper to sell certain abandoned vehicles under certain circumstances
10 and dispose of the proceeds in a certain manner; expanding the uses of the
11 proceeds of the sale of an abandoned vehicle to include reimbursement of a
12 garage keeper for certain notice and publication costs, subject to a certain limit;
13 altering a certain definition; clarifying language; and generally relating to the
14 storage and sale of abandoned vehicles.

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 25-201(b), 25-204, 25-205, 25-207, and 25-208
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 25-203
23 Annotated Code of Maryland
24 (2002 Replacement Volume and 2005 Supplement)

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

1

Article - Transportation

2 25-201.

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

4 (1) That is inoperable and left unattended on public property for more
5 than 48 hours;6 (2) That has remained illegally on public property for more than 48
7 hours;8 (3) That has remained on private property for more than 48 hours
9 without the consent of the owner or person in control of the property;10 (4) That has remained in a garage for more than 10 days after the
11 garage keeper OR A POLICE DEPARTMENT has given the owner of the vehicle notice by
12 certified mail, return receipt requested, bearing a postmark from the United States
13 Postal Service, to remove the vehicle;14 (5) That has remained in a garage for more than 10 days after the period
15 when, by contract, the vehicle was to remain in the garage;

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

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

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

20 (7) That has remained on public property for more than 48 hours and:

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

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

23 (8) That has been left unattended on any portion of a "controlled access
24 highway" as defined in § 8-101(f) of this article for more than 24 hours;25 (9) That has been left unattended on any portion of a primary or
26 secondary highway or controlled access highway, as defined in § 8-101 of this article,
27 and is in violation of any of the provisions of § 22-408 of this article; or

28 (10) That is not reclaimed as provided under § 27-111 of this article.

29 25-203.

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

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

4 25-204.

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

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

10 (2) Each secured party, as shown on the records of the Administration;

11 AND

12 (3) IF THE VEHICLE IS STORED IN A GARAGE, THE GARAGE KEEPER.

13 (b) The notice shall:

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

15 (2) Describe the year, make, model, and vehicle identification number of
16 the vehicle;

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

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

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

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

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

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

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

34 (c) In Baltimore City, Prince George's County, and Montgomery County, a
35 police department or its agent may seek to recover costs of impoundment, storage,

1 and sale of a vehicle as provided by §§ 25-206.1 and 25-206.2 of this subtitle. If a
2 police department or its agent seeks to apply the provisions of §§ 25-206.1 and
3 25-206.2 of this subtitle, the notice required by this section shall also state that the
4 failure of the owner or secured party to exercise the right to reclaim the vehicle in the
5 time provided may cause:

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

7 (i) Impoundment;

8 (ii) Storage within the chargeable limit for storage as provided in §
9 25-206.1(b) of this subtitle; and

10 (iii) Sale of the vehicle; and

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

13 (D) IF A POLICE DEPARTMENT DOES NOT PROVIDE THE NOTICE REQUIRED
14 UNDER SUBSECTION (A) OF THIS SECTION WITHIN 10 DAYS AFTER IT TAKES AN
15 ABANDONED VEHICLE INTO CUSTODY AND THE VEHICLE IS STORED IN A GARAGE,
16 THE GARAGE KEEPER MAY SEND THE NOTICE.

17 25-205.

18 (a) This section applies if:

19 (1) The identity of the last registered owner of an abandoned vehicle
20 cannot be determined;

21 (2) The registration of the vehicle gives no address for the owner;

22 (3) It is impossible to determine with reasonable certainty the identity
23 and address of each secured party; or

24 (4) The certified mail notice required by § 25-204 of this subtitle is
25 returned as undeliverable.

26 (b) Under one of the conditions described in subsection (a) of this section, a
27 police department that takes an abandoned vehicle into custody shall give the
28 required notice by posting a notice complying with the provisions of subsection (c) of
29 this section in the circuit court of the county where the abandoned vehicle was found.

30 (c) The notice:

31 (1) May contain multiple listings of abandoned vehicles;

32 (2) Shall contain the information required by § 25-204 of this subtitle;
33 and

34 (3) Shall be posted:

1 (i) Within 15 days of the taking into custody of the vehicle; or

2 (ii) If the notice by posting under this section is made because of the
3 return as undeliverable of a prior notice by certified mail, return receipt requested,
4 bearing a postmark from the United States Postal Service, within 7 days of the return
5 of that prior notice.

6 (D) IF A POLICE DEPARTMENT DOES NOT PROVIDE THE NOTICE REQUIRED
7 UNDER SUBSECTION (B) OF THIS SECTION WITHIN 20 DAYS AFTER IT TAKES AN
8 ABANDONED VEHICLE INTO CUSTODY AND THE VEHICLE IS STORED IN A GARAGE,
9 THE GARAGE KEEPER MAY POST THE NOTICE.

10 25-207.

11 (a) (1) Except as provided in subsection (e) of this section AND PARAGRAPH
12 (2) OF THIS SUBSECTION, if an abandoned vehicle is not reclaimed as provided for in
13 this subtitle, the police department shall sell the vehicle at public auction.

14 (2) (I) IF AN ABANDONED VEHICLE IS NOT RECLAIMED AS PROVIDED
15 FOR IN THIS SUBTITLE, THE POLICE DEPARTMENT MAY AUTHORIZE A GARAGE
16 KEEPER TO SELL A VEHICLE STORED AT A GARAGE.

17 (II) A GARAGE KEEPER AUTHORIZED UNDER SUBPARAGRAPH (I) OF
18 THIS PARAGRAPH TO SELL AN ABANDONED VEHICLE MAY SELL THE VEHICLE AT
19 PUBLIC AUCTION AFTER THE VEHICLE HAS BEEN IN THE CONTINUOUS CONTROL OF
20 THE GARAGE KEEPER FOR AT LEAST 30 DAYS.

21 (III) WHEN A GARAGE KEEPER SELLS A VEHICLE AT PUBLIC
22 AUCTION, THE GARAGE KEEPER SHALL:

23 1. USE AN AUCTIONEER LICENSED IN THE STATE;

24 2. MAINTAIN RECORDS OF ALL ATTEMPTS TO CONTACT THE
25 VEHICLE OWNER AND SECURED PARTIES;

26 3. MAINTAIN PROOF THAT THE VEHICLE WAS IN THE
27 CONTINUOUS CONTROL OF THE GARAGE KEEPER FOR AT LEAST 30 DAYS BEFORE
28 THE VEHICLE WAS SOLD;

29 4. MAINTAIN ALL DOCUMENTS AND RECORDS RELATED TO
30 THE ACQUISITION OF THE VEHICLE, NOTIFICATION OF THE OWNER, AND SALE OF
31 THE VEHICLE; AND

32 5. SHALL MAKE ALL DOCUMENTS AND RECORDS REQUIRED
33 TO BE MAINTAINED UNDER ITEM 4 OF THIS SUBPARAGRAPH AVAILABLE FOR AUDIT,
34 ON REQUEST, BY A POLICE DEPARTMENT OR THE ADMINISTRATION.

35 (3) A GARAGE KEEPER MAY NOT SELL A VEHICLE UNDER THIS
36 SUBSECTION IF THE GARAGE KEEPER DID NOT PROVIDE NOTICE UNDER § 25-204(D)
37 OR § 25-205(D) OF THIS SUBTITLE.

1 (b) The buyer of the vehicle at auction:

2 (1) Takes ownership of the vehicle free and clear of any claim of
3 ownership or lien of any other person;

4 (2) Is entitled to a sales receipt, on a form that is approved by the
5 Administration, from the police department OR GARAGE KEEPER THAT SOLD THE
6 VEHICLE;

7 (3) Is entitled to obtain a salvage certificate for the vehicle; and

8 (4) May obtain a certificate of title under § 13-507 of this article.

9 (c) The sales receipt, on a form that is approved by the Administration, is
10 sufficient title for transferring the vehicle to an automotive dismantler and recycler
11 or scrap processor for dismantling, destroying, or scrapping, in which case, a
12 certificate of title is not required.

13 (d) (1) Except as otherwise provided in this subtitle:

14 [(1)] (I) [From] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,
15 FROM the proceeds of the sale of an abandoned vehicle, the police department OR
16 GARAGE KEEPER shall [reimburse itself] BE REIMBURSED for the costs of towing,
17 preserving, and storing the vehicle and the expenses of the auction, including all
18 notice and publication costs incurred under this subtitle; and

19 [(2)] (II) Any remaining proceeds of the sale shall be held for 90 days for
20 the owner of the vehicle and any entitled secured party, after which the remaining
21 proceeds revert to:

22 [(i)] 1. The treasury of the county in which the sale was made; or

23 [(ii)] 2. In the case of a municipality that conducts the sale, the
24 treasury of the municipality.

25 (2) A GARAGE KEEPER MAY NOT BE REIMBURSED MORE THAN \$100 FOR
26 NOTICE AND PUBLICATION COSTS INCURRED UNDER THIS SUBTITLE.

27 (e) (1) After satisfying the requirements for obtaining a certificate of title
28 for an abandoned vehicle under § 25-207.1 of this subtitle, a police department may
29 retain and use the vehicle for public purposes without any further notice or consent of
30 the owner other than a lessor as provided in paragraph (2) of this subsection.

31 (2) (i) If there is a secured party with an interest in the vehicle as
32 shown on the records of the Administration, the police department may not retain the
33 vehicle for public purposes without the written consent of the secured party.

34 (ii) If the vehicle is owned by a lessor under a lease not intended as
35 security, the police department may not retain the vehicle for public purposes without
36 the written consent of the lessor.

1 (f) A vehicle retained for public purposes under subsection (e) of this section:

2 (1) May be dismantled or disassembled for the purpose of using its
3 component parts; and

4 (2) When no longer usable for public purposes, may at the discretion of
5 the police department, without further notice, be sold at public auction as provided in
6 this subtitle or transferred by the police department to a scrap processor licensed
7 under § 15-502 of this article.

8 25-208.

9 (a) In this section, "abandoned" means abandoned in a garage, as described in
10 § 25-201(b)(4), (5), or (6) of this subtitle.

11 (b) (1) A garage keeper shall report any vehicle abandoned in the garage to
12 the appropriate police department.

13 (2) Any garage keeper who fails to report the vehicle within 10 days after
14 it becomes abandoned no longer has any claim for servicing, storage, or repair of the
15 vehicle.

16 (c) The police department may take the abandoned vehicle into custody and
17 sell it in accordance with the procedures set forth in this subtitle OR THE GARAGE
18 KEEPER MAY SELL THE VEHICLE IN ACCORDANCE WITH THE PROCEDURES SET
19 FORTH IN THIS SUBTITLE, unless:

20 (1) The vehicle is reclaimed by the owner or secured party; and

21 (2) The garage keeper is paid.

22 (d) As to the proceeds of the sale:

23 (1) They shall be applied, first, to the garage keeper's charges for
24 servicing, storage, TOWING, or repair, AND TO REIMBURSEMENT OF THE GARAGE
25 KEEPER UP TO \$100 FOR THE COST OF PROVIDING NOTICE UNDER § 25-204(D) OR §
26 25-205(D) OF THIS SUBTITLE; and

27 (2) Any surplus proceeds shall be distributed in accordance with §
28 25-207(d) of this subtitle.

29 (e) This section does not impair any:

30 (1) Lien of a garage keeper under the laws of this State; or

31 (2) The right of any secured party to foreclose.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2006.