

HOUSE BILL 794

R7

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By: **Delegates Frush, Barnes, Braveboy, Gaines, Griffith, Healey, Holmes,
Howard, Hubbard, Proctor, and Vallario**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Abandoned Vehicles – Notice**

3 FOR the purpose of requiring a police department that takes an abandoned vehicle
4 into custody to identify the last known owner, insurer, and secured party of the
5 abandoned vehicle under certain circumstances; requiring a police department
6 to provide certain additional notice to a vehicle owner, insurer, or secured party
7 that the abandoned vehicle was taken into custody; expanding the notice
8 requirement to include notice to the insurer of the owner's and secured party's
9 right to reclaim the vehicle within a certain period of time; requiring a police
10 department in Prince George's County to provide a certain notice to the owner,
11 secured party, and insurer by certified mail; allowing the last known owner of
12 the vehicle or a secured party to authorize another person or the insurer to
13 secure the release of the vehicle; and generally relating to the notice required to
14 be provided by a police department that takes an abandoned vehicle into
15 custody.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 25–204
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article - Transportation

25-204.

(A) (1) IF THE POLICE DEPARTMENT THAT TAKES AN ABANDONED VEHICLE INTO CUSTODY HAS NOT BEEN CONTACTED BY THE OWNER OR INSURER OF THE VEHICLE WITHIN 48 HOURS AFTER THE VEHICLE WAS TAKEN INTO CUSTODY, THE POLICE DEPARTMENT SHALL:

(I) IDENTIFY THE LAST KNOWN OWNER, INSURER, AND EACH SECURED PARTY OF THE VEHICLE BY SEARCHING THE RECORDS OF THE ADMINISTRATION;

(II) ATTEMPT TO CONTACT THE LAST KNOWN OWNER, INSURER, AND SECURED PARTY OF THE VEHICLE BY TELEPHONE; AND

(III) IF TELEPHONE CONTACT IS NOT MADE WITH ANY OF THE PERSONS SPECIFIED IN ITEM (II) OF THIS PARAGRAPH, SEND A NOTICE, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN OWNER OR INSURER OF THE VEHICLE.

[(a) (2) [As] IF THE VEHICLE HAS NOT BEEN RECLAIMED, AS soon as reasonably possible and within 7 days at most after it takes an abandoned vehicle into custody, a police department shall send a SECOND notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

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

[(2) (II) Each secured party, as shown on the records of the Administration; AND

(III) THE LAST KNOWN INSURER OF THE VEHICLE.

(b) The notice REQUIRED UNDER SUBSECTION (A)(1)(III) AND (2) OF THIS SECTION shall:

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

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

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

4 (4) (i) Inform the owner, [and] secured party, **AND INSURER** of the
5 owner's and secured party's right to reclaim the vehicle within 3 weeks after the date
6 of the **FIRST** notice, on payment of all towing, preservation, and storage charges
7 resulting from taking or placing the vehicle in custody; or

8 (ii) In Baltimore City, **PRINCE GEORGE'S COUNTY**, and
9 Montgomery County, be sent by certified mail, return receipt requested, and inform
10 the owner [and], secured party, **AND INSURER** of the owner's and secured party's
11 right to reclaim the vehicle within 11 working days after the receipt of the notice, on
12 payment of all towing, preservation, and storage charges resulting from taking or
13 placing the vehicle in custody; and

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

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

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

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

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

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

29 (i) Impoundment;

30 (ii) Storage within the chargeable limit for storage as provided
31 in § 25–206.1(b) of this subtitle; and

1 (iii) Sale of the vehicle; and

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

4 (D) **THE LAST KNOWN OWNER OF THE VEHICLE OR A SECURED PARTY**
5 **MAY AUTHORIZE ANOTHER PERSON OR THE INSURER TO SECURE THE RELEASE**
6 **OF THE VEHICLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2007.