

# HOUSE BILL 38

R7

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(PRE-FILED)

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By: **Delegate Frush**

Requested: October 12, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Disposal Under Indemnity Agreement – Repeal**

3 FOR the purpose of repealing a provision of law that authorizes certain persons to  
4 transfer certain inoperable motor vehicles to an automotive dismantler and  
5 recycler or scrap processor without providing a certificate of title or fulfilling  
6 certain notice requirements; repealing a provision of law that authorizes an  
7 automotive dismantler and recycler or scrap processor to require certain motor  
8 vehicle transferors to execute an indemnity agreement; and generally relating  
9 to the disposal of inoperable motor vehicles.

10 BY repealing and reenacting, without amendments,  
11 Article – Transportation  
12 Section 25–209  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2009 Supplement)

15 BY repealing  
16 Article – Transportation  
17 Section 25–210  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2009 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 25–209.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Any person who possesses or on whose property is found an abandoned  
2 vehicle and any person who owns a vehicle, for which the certificate of title is  
3 defective, lost, or destroyed, may apply to the police department of the jurisdiction in  
4 which the vehicle is located for authority to transfer the vehicle to an automotive  
5 dismantler and recycler or scrap processor.

6 (b) The application shall include:

7 (1) The name and address of the applicant;

8 (2) The year, make, model, and vehicle identification number of the  
9 vehicle, if ascertainable, and any other identifying features of the vehicle;

10 (3) A concise statement of the facts about the abandonment of the  
11 vehicle or the loss, destruction, or defect of the certificate of title of the vehicle; and

12 (4) An affidavit stating that the facts alleged in the application are  
13 true and that no material fact has been withheld.

14 (c) If a police department finds that the application is executed in proper  
15 form and shows either that the vehicle has been abandoned on the property of the  
16 applicant or, if the vehicle is not abandoned, that the applicant appears to be the  
17 rightful owner, the police department shall follow the notification procedures of §§  
18 25–204 and 25–205 of this subtitle.

19 (c–1) If the applicant submits with the application documentary proof that the  
20 notification procedures of §§ 25–204 and 25–205 of this subtitle already have been  
21 complied with, the police department may accept the document as proof of compliance  
22 and the department is not required to provide this notification.

23 (d) (1) If an abandoned vehicle is not reclaimed in the time required by  
24 this subtitle, the police department shall give the applicant a certificate of authority to  
25 transfer the vehicle to:

26 (i) Any automotive dismantler and recycler for:

27 1. Dismantling, destroying, or scrapping; or

28 2. Salvaging as authorized under § 13–506 of this  
29 article; or

30 (ii) Any scrap processor for dismantling, destroying, or  
31 scrapping.

32 (2) The automotive dismantler and recycler or scrap processor shall  
33 accept the certificate of authority instead of the certificate of title of the vehicle.

1           (3)    The automotive dismantler and recycler may apply for a salvage  
2 certificate as provided in § 13-506 of this article.

3   [25-210.

4           (a)    The following persons may transfer a vehicle under this section:

5                   (1)    Any person who possesses or on whose property any abandoned  
6 vehicle is found;

7                   (2)    Any person who owns a vehicle for which the certificate of title is  
8 defective, lost, or destroyed; or

9                   (3)    Any agent designated and authorized by a government agency to  
10 remove an abandoned vehicle from public or private property.

11           (b)    Notwithstanding any other provision of this subtitle, if the vehicle is  
12 more than 8 years old and has no engine or otherwise is totally inoperable, any person  
13 described in subsection (a) of this section may transfer the vehicle to an automotive  
14 dismantler and recycler or scrap processor without a certificate of title and without  
15 following the notification procedures of §§ 25-204 and 25-205 of this subtitle.

16           (c)    An automotive dismantler and recycler or scrap processor may require a  
17 person who transfers a vehicle under subsection (b) of this section, to execute an  
18 indemnity agreement on a form prescribed by the Administration.

19           (d)    In those cases described in subsection (b) of this section, an automotive  
20 dismantler and recycler or a scrap processor whose plant is physically located and  
21 operating in this State may file with the Administration the indemnity agreement  
22 described in subsection (c) of this section that identifies the vehicle and contains the  
23 name, address, and signature of the person delivering it.]

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2010.