

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1183

(Delegate Oaks)

Environmental Matters

Judicial Proceedings

Motor Vehicles - Access to Towed Vehicles

This bill requires a police department or its contractor, which takes an abandoned vehicle into custody, to make the vehicle available to the vehicle's owner or other specified persons of interest for inspection or retrieval of personal property not attached to the vehicle. The police department or its contractor may supervise or limit the hours for an inspection or retrieval of property.

Fiscal Summary

State Effect: The Department of State Police (DSP), the Maryland Transportation Authority, and the police forces of other State agencies authorized to tow abandoned vehicles incur an additional operational burden to ensure the vehicle owner and persons of interest have access to towed vehicles and potentially for supervision of the inspection and property retrieval. Expenditures may increase minimally for any such agency that cannot handle this additional burden with existing resources.

Local Effect: Local police department operations are affected, and expenditures potentially increase minimally, to ensure that the registered owner and persons of interest of a towed vehicle have access to the vehicles and potentially for supervision of inspections and property retrievals.

Small Business Effect: Minimal impact on small business towing services and abandoned vehicle storage lots to ensure that owners and other persons of interest have access to vehicles for inspection and retrieval of property.

Analysis

Bill Summary: A "person of interest" under the bill is the vehicle owner or the owner's agent, an agent of an insurance company representing any party involved in the collision

that resulted in the vehicle's towing, a person with a security interest in the vehicle, or any other person entitled to possession and use of the vehicle.

Current Law: An abandoned vehicle means a motor vehicle, trailer, or semitrailer that:

- is inoperable and left unattended 48 hours on public property;
- remains illegally on public property for 48 hours;
- is on private property without consent;
- has remained in a garage for more than 10 days after the garage keeper has given the vehicle owner notice to remove the vehicle, or beyond the time when, by contract, the vehicle was to remain in the garage;
- is left for more than 10 days in a garage by someone other than the registered owner or left by a person only authorized to have possession of the vehicle under a contract;
- has remained on public property for 48 hours and has invalid or incorrect registration plates;
- has been left unattended for 24 hours on a controlled access highway;
- has been left unattended on a highway and does not display appropriate warning devices; or
- is not reclaimed from impoundment as provided by law.

Generally, the police may take an abandoned vehicle into custody and impound the vehicle. In addition, any person who possesses or on whose property is found an abandoned vehicle may apply to the police department of the jurisdiction in which the vehicle is located for authority to transfer the vehicle to an automotive dismantler and recycler or scrap processor. If the vehicle remains unclaimed after three weeks, and following specified notice procedures, the vehicle may be sold at public auction. There are variations in laws among counties governing abandoned vehicles and their towing.

DSP and other law enforcement agencies in the State are heavily involved in the process of disposing of abandoned vehicles. In addition to environmental and aesthetic issues, a lack of control over the process of vehicle disposal may also lead to theft and other crimes. Because of this, DSP maintains a unit actively engaged in overseeing the lawful transfer of abandoned vehicles and proper disposal by vehicle scrappers or recyclers.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Howard and Montgomery counties; Maryland Insurance Administration; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2010
mlm/ljm Revised - House Third Reader - April 12, 2010

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