

HB0320/240215/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 320
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

“Vehicle Laws – Towed and Stored Vehicles – Disposal”;

strike beginning with “repealing” in line 3 down through “vehicles” in line 9 and substitute “providing that an automotive dismantler and recycler or scrap processor takes unencumbered title to certain inoperable vehicles under certain circumstances; authorizing an automotive dismantler and recycler or scrap processor to dispose of certain vehicles under certain circumstances; altering the records an automotive dismantler and recycler or scrap processor is required to keep for each vehicle acquired; altering the time period within which an automotive dismantler and recycler or scrap processor is required to electronically transmit the records to the Motor Vehicle Administration; requiring an automotive dismantler and recycler or scrap processor to electronically transmit the records to the Department of State Police for a stolen vehicle inspection; requiring the Department of State Police to perform a stolen vehicle inspection, provide certain notice of the result of the inspection, and take possession of any vehicle found to be stolen; altering the process for the disposal of certain vehicles by an automotive dismantler and recycler or scrap processor; establishing certain administrative penalties for certain possession of a stolen vehicle by an automotive dismantler and recycler or scrap processor; establishing an exception to the prohibition against storing certain vehicles on private property; repealing a provision of law that exempts certain vehicles from a certain process governing the disposal of vehicles with lost or defective titles; requiring certain persons who deliver certain vehicles to an automotive dismantler and recycler or scrap processor to provide certain notice to certain persons; establishing certain civil liability for failure to provide the required notice; authorizing certain persons to reclaim certain vehicles under certain circumstances; requiring certain persons to provide to an automotive

(Over)

dismantler and recycler or scrap processor certain documentation of certain notice; requiring an automotive dismantler and recycler or scrap processor to keep and make available for inspection by a law enforcement agency for a certain period of time certain notice documentation; and generally relating to the disposal of towed and stored vehicles"; in line 12, after "Section" insert "15-502(c) and"; in line 15, after "repealing" insert "and reenacting, with amendments,"; and in line 17, after "Section" insert "15-502(d), 15-509, 15-511, 15-514, and".

AMENDMENT NO. 2

On page 1, after line 22, insert:

15-502.

(c) A person may not store on any private property for more than 30 days any vehicle that is to be dismantled, destroyed, or scrapped, unless the person is an automotive dismantler and recycler or a scrap processor licensed under this subtitle.

(d) This section does not prohibit [an]:

(1) AN unlicensed person from transporting a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping; OR

(2) A PERSON WHOSE LICENSE HAS BEEN SUSPENDED UNDER § 15-514(B) OF THIS SUBTITLE FROM STORING A VEHICLE THAT IS TO BE DISMANTLED, DESTROYED, OR SCRAPPED IF THE VEHICLE WAS STORED BEFORE THE LICENSE SUSPENSION.

15-509.

(a) [This section does not apply to any abandoned vehicle that is 8 years old or older and is totally inoperable.

(b) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle and does not receive a certificate of title or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

[(c)] (B) [After] EXCEPT FOR AN INOPERABLE VEHICLE DELIVERED UNDER § 25-210(B)(2) OF THIS ARTICLE, AFTER the vehicle has been in the possession of the automotive dismantler and recycler or scrap processor for more than 30 days, the automotive dismantler and recycler or scrap processor shall give at least 10 days' notice of intent to dispose of the vehicle. The notice shall be sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

(1) The owner of the vehicle and any secured party, as shown on the records of the Administration; or

(2) Any other person who is entitled to possession of the vehicle and whose address is known or reasonably can be obtained.

[(d)] (C) (1) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle, without having to obtain a certificate of title for it in his own name, if:

(i) He has complied with this section; and

(ii) Except as provided in paragraph (2) of this subsection, the vehicle has not been recovered or reclaimed, before the end of the 10-day period specified in the notice, by the owner, secured party, or other person entitled to its possession.

(Over)

(2) [If the address of the owner, secured party, or other person entitled to possession of the vehicle cannot be obtained from the records of the Administration or by the exercise of reasonable diligence, the automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle, without having to obtain a certificate of title in his own name, after the vehicle has been in his possession for 30 days] THE LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR TAKES UNENCUMBERED TITLE TO THE VEHICLE, WITHOUT HAVING TO OBTAIN A CERTIFICATE OF TITLE IN THE LICENSEE'S NAME, IF:

(I) AFTER THE VEHICLE HAS BEEN IN THE LICENSEE'S POSSESSION FOR 30 DAYS, THE ADDRESS OF THE OWNER, SECURED PARTY, OR OTHER PERSON ENTITLED TO POSSESSION OF THE VEHICLE CANNOT BE OBTAINED FROM THE RECORDS OF THE ADMINISTRATION OR BY THE EXERCISE OF REASONABLE DILIGENCE; OR

(II) THE LICENSEE IS DELIVERED A VEHICLE UNDER § 25-210(B)(2) OF THIS ARTICLE BY A PERSON WHO COMPLIED WITH THE NOTICE REQUIREMENTS UNDER THAT SECTION.

[(e)] (D) (1) If an automotive dismantler and recycler or scrap processor takes title to a vehicle under this section, the automotive dismantler and recycler or scrap processor shall certify this fact to the Administration. The certification shall be made in the form that the Administration requires and sent to the Administration within 5 days after the automotive dismantler and recycler or scrap processor takes title.

(2) THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY DISPOSE OF THE VEHICLE AFTER:

(I) TAKING UNENCUMBERED TITLE TO THE VEHICLE UNDER THIS SECTION; AND

(II) RECEIVING NOTICE FROM THE DEPARTMENT OF STATE POLICE UNDER § 15-511 OF THIS SUBTITLE THAT THE VEHICLE IS NOT STOLEN.

15-511.

(a) Each LICENSED automotive dismantler and recycler and each scrap processor shall keep an accurate and complete record of all vehicles acquired in his business.

(b) The [records] RECORD shall contain, for each vehicle acquired:

(1) THE NAME, ADDRESS, AND CONTACT INFORMATION FOR THE LICENSEE;

(2) The name and address of the person from whom the vehicle was acquired;

[(2)] (3) THE VEHICLE IDENTIFICATION NUMBER FOR THE VEHICLE;

(4) The date on which [it] THE VEHICLE was acquired;

[(3)] (5) A STATEMENT OF WHETHER THE VEHICLE IS TO BE DESTROYED, OFFERED FOR SALE, OR OTHERWISE DISPOSED;

(6) WHETHER THE VEHICLE IS INTENDED FOR EXPORT OUT OF THE COUNTRY;

(Over)

(7) Documentary evidence acceptable to the Administration of ownership of the vehicle; and

[(4)] (8) Any other information that the Administration requires.

(c) (1) (I) Except as provided in paragraph (3) of this subsection, [within 30 days after an automotive dismantler and recycler or scrap processor acquires title to a vehicle, the] A LICENSED automotive dismantler and recycler or scrap processor shall, [electronically and in a form prescribed by the Administration, notify the] BY THE END OF THE NEXT BUSINESS DAY AFTER THE LICENSEE ACQUIRES A VEHICLE, ELECTRONICALLY TRANSMIT A COPY OF THE REQUIRED RECORD TO:

1. THE Administration or the Administration's designee [of the acquisition] IN A FORM PRESCRIBED BY THE ADMINISTRATION; AND

2. THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT'S DESIGNEE IN A FORM PRESCRIBED BY THE DEPARTMENT FOR A STOLEN VEHICLE INSPECTION.

(II) THE DEPARTMENT OF STATE POLICE OR THE DEPARTMENT'S DESIGNEE SHALL:

1. NOTIFY THE LICENSEE OF THE RESULTS OF THE STOLEN VEHICLE INSPECTION AS SOON AS FEASIBLE; AND

2. TAKE POSSESSION OF ANY VEHICLE DETERMINED TO BE STOLEN.

(2) [Immediately after giving the] EXCEPT FOR A LICENSEE THAT IS IN THE PROCESS OF TAKING UNENCUMBERED TITLE TO A VEHICLE UNDER § 15-509(C)(2)(I) OF THIS SUBTITLE, IMMEDIATELY AFTER RECEIVING notice [required] THAT A VEHICLE IS NOT A STOLEN VEHICLE under paragraph (1) of this subsection, the automotive dismantler and recycler or scrap processor may dispose of the vehicle [for dismantling or scrapping].

(3) Paragraph (1) of this subsection does not apply to a vehicle acquired through a salvage certificate issued by the Administration or by the appropriate government agency of another state.

15-514.

(a) In addition to the other grounds specified in Subtitle 1 of this title for refusal, suspension, or revocation of a license, the Administration may refuse to grant a license under this subtitle to any person and may suspend, revoke, or refuse to renew the license of any person if it finds that the person has violated any applicable rule or regulation of the Department of Health and Mental Hygiene.

(b) THE ADMINISTRATION MAY IMPOSE THE FOLLOWING PENALTIES ON A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR IF A STOLEN VEHICLE THAT WAS NOT REPORTED TO THE DEPARTMENT OF STATE POLICE UNDER § 15-511(C) OF THIS SUBTITLE IS FOUND ON THE PROPERTY OF THE LICENSEE:

(1) FOR A FIRST OFFENSE, A LICENSE SUSPENSION OF 5 DAYS;

(2) FOR A SECOND OFFENSE, A LICENSE SUSPENSION OF 30 DAYS;

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(Over)

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, LICENSE REVOCATION.

(C) As to any person licensed under this subtitle, instead of or in addition to revocation, suspension, or refusal to renew a license under this section, the Administration may order the licensee to pay a fine not exceeding \$1,000 for each violation of this subtitle.

AMENDMENT NO. 3

On page 3, in lines 1 and 21, in each instance, strike the bracket; in line 9, after “(b)” insert “**(1)**”; in the same line, strike “Notwithstanding any other provision of this subtitle” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**”; in line 11, after “to” insert “**ANOTHER PERSON FOR DELIVERY TO**”; strike beginning with the second “and” in line 12 down through “subtitle” in line 13; after line 13, insert:

“(2) (I) A PERSON TO WHOM A VEHICLE IS TRANSFERRED FOR DELIVERY TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR UNDER THIS SUBSECTION SHALL:

1. BY THE END OF THE NEXT BUSINESS DAY AFTER TRANSFER, TRANSMIT ELECTRONICALLY TO THE ADMINISTRATION OR THE ADMINISTRATION’S DESIGNEE THE RECORD OF THE VEHICLE TRANSFER IN A FORM PRESCRIBED BY THE ADMINISTRATION;

2. PERFORM THE NOTIFICATION PROCEDURES REQUIRED FOR POLICE DEPARTMENTS UNDER §§ 25-204 AND 25-205 OF THIS SUBTITLE BEFORE DELIVERING THE VEHICLE; AND

3. BE LIABLE FOR TREBLE DAMAGES FOR FAILURE TO COMPLY WITH THE NOTIFICATION PROCEDURES.

(ii) NOTWITHSTANDING § 25-204(B)(4) OF THIS SUBTITLE, AN OWNER OR SECURED PARTY MAY RECLAIM THE VEHICLE WITHIN 30 DAYS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING, PRESERVATION, AND STORAGE CHARGES RESULTING FROM TAKING OR PLACING THE VEHICLE IN CUSTODY.

(iii) 1. A PERSON WHO DELIVERS A VEHICLE TO A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR UNDER THIS SECTION SHALL PROVIDE TO THE LICENSEE FULL DOCUMENTATION OF THE NOTICE PROVIDED UNDER THIS SECTION.

2. AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL KEEP THE NOTICE DOCUMENTATION ON FILE FOR 3 YEARS AND MAKE THE DOCUMENTATION AVAILABLE FOR INSPECTION BY ANY LAW ENFORCEMENT AGENCY.”;

and in line 15, strike “transfers” and substitute “**DELIVERS**”.