

HOUSE BILL 320

R7
HB 38/10 – ENV

1lr1275

By: **Delegate Frush**
Introduced and read first time: February 2, 2011
Assigned to: Environmental Matters

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 2010 Supplement)

15 BY repealing
16 Article – Transportation
17 Section 25–210
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 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.

24 (a) Any person who possesses or on whose property is found an abandoned
25 vehicle and any person who owns a vehicle, for which the certificate of title is

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 defective, lost, or destroyed, may apply to the police department of the jurisdiction in
2 which the vehicle is located for authority to transfer the vehicle to an automotive
3 dismantler and recycler or scrap processor.

4 (b) The application shall include:

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

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

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

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

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

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

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

24 (i) Any automotive dismantler and recycler for:

25 1. Dismantling, destroying, or scrapping; or

26 2. Salvaging as authorized under § 13–506 of this
27 article; or

28 (ii) Any scrap processor for dismantling, destroying, or
29 scrapping.

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

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

1 [25–210.

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

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

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

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

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.