

HOUSE BILL 830

R5

11r2343

By: **Delegate Impallaria**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Towing and Removing Vehicles – Property Return**
3 **Agreement**

4 FOR the purpose of prohibiting in Harford County the Harford County Sheriff's Office
5 or any police department from authorizing a person to tow or remove a certain
6 vehicle unless the person enters into a written agreement with the Harford
7 County Sheriff's Office or police department to return to the vehicle owner, on
8 request of the owner, certain property in or on the vehicle; defining a certain
9 term; and generally relating to the towing and removing of vehicles in Harford
10 County.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 25–201(a), (b), and (e)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 25–203
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

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

23 **Article – Transportation**

24 25–201.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Abandoned vehicle” means any motor vehicle, trailer, or semitrailer:

2 (1) That is inoperable and left unattended on public property for more
3 than 48 hours;

4 (2) That has remained illegally on public property for more than 48
5 hours;

6 (3) That has remained on private property for more than 48 hours
7 without the consent of the owner or person in control of the property;

8 (4) That has remained in a garage for more than 10 days after the
9 garage keeper has given the owner of the vehicle notice by certified mail, return
10 receipt requested, bearing a postmark from the United States Postal Service, to
11 remove the vehicle;

12 (5) That has remained in a garage for more than 10 days after the
13 period when, by contract, the vehicle was to remain in the garage;

14 (6) That was left for more than 10 days in a garage by:

15 (i) Someone other than its registered owner; or

16 (ii) A person authorized to have possession of the vehicle under
17 a contract of use, service, storage, or repair;

18 (7) That has remained on public property for more than 48 hours and:

19 (i) Is not displaying currently valid registration plates; or

20 (ii) Is displaying registration plates of another vehicle;

21 (8) That has been left unattended on any portion of a “controlled
22 access highway” as defined in § 8–101(f) of this article for more than 24 hours;

23 (9) That has been left unattended on any portion of a primary or
24 secondary highway or controlled access highway, as defined in § 8–101 of this article,
25 and is in violation of any of the provisions of § 22–408 of this article; or

26 (10) That is not reclaimed as provided under § 27–111 of this article.

27 (e) “Police department” means:

28 (1) The Department of State Police;

29 (2) The police department of any political subdivision of this State;

1 (3) In Baltimore City, the appropriate agency designated by the Board
2 of Estimates;

3 (4) The police forces of public colleges and universities;

4 (5) In Prince George's County, if designated by the County Executive,
5 the Prince George's County Department of Environmental Resources;

6 (6) In any municipality in Prince George's County or Montgomery
7 County, an appropriate agency or department designated by the governing body of the
8 municipality; and

9 (7) The police force of any State government agency.

10 25–203.

11 (a) A police department may take any abandoned vehicle into custody. For
12 this purpose, the police department may use its own personnel, equipment, and
13 facilities or, subject to the provisions of subsection (b) of this section, use other
14 persons, equipment, and facilities for removing, preserving, and storing abandoned
15 vehicles.

16 (b) A police department may not authorize the use of a tow truck under
17 subsection (a) of this section unless the tow truck is registered under § 13–920 of this
18 article.

19 **(c) (1) IN THIS SUBSECTION, “OWNER” MEANS:**

20 **(i) THE OWNER OF A TOWED VEHICLE;**

21 **(ii) AN AGENT OF THE OWNER OF A TOWED VEHICLE; OR**

22 **(iii) ANY OTHER PERSON WHO IS ENTITLED TO USE AND**
23 **POSSESSION OF A TOWED VEHICLE.**

24 **(2) IN HARFORD COUNTY, THE HARFORD COUNTY SHERIFF’S**
25 **OFFICE OR ANY POLICE DEPARTMENT MAY NOT AUTHORIZE A PERSON TO TOW**
26 **OR REMOVE A VEHICLE, INCLUDING AN ABANDONED VEHICLE, UNLESS THE**
27 **PERSON ENTERS INTO A WRITTEN AGREEMENT WITH THE HARFORD COUNTY**
28 **SHERIFF’S OFFICE OR POLICE DEPARTMENT TO RETURN TO THE VEHICLE**
29 **OWNER, ON REQUEST OF THE OWNER:**

30 **(i) ANY PERSONAL PROPERTY IN THE VEHICLE THAT IS**
31 **UNATTACHED TO THE VEHICLE; OR**

1 **(II) ANY GOVERNMENT PROPERTY IN OR ON THE VEHICLE**
2 **THAT WAS ISSUED TO THE VEHICLE'S OWNER, INCLUDING THE VEHICLE'S**
3 **REGISTRATION PLATES.**

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