

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 830

(Harford County Delegation)

Environmental Matters

Judicial Proceedings

Harford County - Towing and Removing Vehicles - Property Return Agreement

This bill prohibits the Harford County Sheriff's Office or any police department from authorizing a person to tow a vehicle in Harford County unless the person enters into a written agreement with the sheriff's office or police department to return, at the request of the owner of the vehicle, any unattached personal property in the vehicle or any government property in or on the vehicle that was issued to the vehicle owner, including registration plates.

Fiscal Summary

State Effect: The bill's change is procedural and can be handled by State law enforcement agencies with existing budgeted resources.

Local Effect: The bill's change is procedural and can be handled by the Harford County Sheriff's Office with existing budgeted resources.

Small Business Effect: Potential minimal adverse impact on small business towing services to the extent they must alter business practices to ensure that personal property can be returned to the owners of abandoned or disabled vehicles under the bill.

Analysis

Current Law/Background: The Maryland Vehicle Law currently applies to the towing or removal of vehicles from parking lots in Baltimore City and Baltimore County and authorizes the Charles County Commissioners to adopt ordinances and regulations relating to the towing or removal of vehicles from privately owned parking lots in that county. In addition, the Maryland Vehicle Law authorizes law enforcement authorities or

their agents to perform public safety towing. Harford County law only pertains to the towing of disabled vehicles. State and local law do not require police authorization to tow vehicles in Harford County that are not abandoned or disabled.

The police may generally 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. An abandoned vehicle is defined as a motor vehicle, trailer, or semitrailer that meets any one of a number of specified conditions, including being inoperable and left unattended 48 hours on public property, remaining illegally on public property for 48 hours, or being left on private property without consent for 48 hours.

The Department of State Police (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. The capabilities of this unit have been significantly enhanced recently due to a new statewide computer system established pursuant to Chapter 383 of 2008 to account for transactions in the secondary precious metals market, which includes sale of vehicles for salvage or scrap. The scrap value of a vehicle varies greatly, from several hundred to several thousand dollars, based on prevailing market conditions, demand for a particular vehicle make and model, whether the vehicle is a late model year or an older vehicle, vehicle weight, and other factors.

The Task Force to Study Motor Vehicle Towing Practices was created by Chapter 514 of 2008 and extended by Chapter 704 of 2009. The task force was charged with studying a number of towing issues, including State and local laws governing towing practices, issues related to notice given by a private property owner or a police department to the vehicle owner or other parties before towing the vehicle. The task force met 12 times between October 14, 2008, and December 8, 2009, and expired on December 31, 2009. The task force considered two main proposals: (1) creation of an independent tow licensure board; and (2) focusing on private nonconsensual towing, the creation of penalties (civil and criminal), consumer protection measures, and allowing towers a process to dispose of unclaimed vehicles.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford County, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 3, 2011
ncs/ljm

Analysis by: Evan M. Isaacson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510