

**HB0499/770515/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 499  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Niemann” and substitute “Delegates Niemann and Frush”; in line 15, after “vehicle” insert “under certain circumstances”; strike beginning with “requiring” in line 18 down through “certification” in line 21 and substitute “clarifying that certain activity related to the delivery of a vehicle to an automotive dismantler and recycler or scrap processor does not require licensure as an automotive dismantler and recycler or scrap processor; providing for the application of provisions of law governing the disposition of a vehicle to an automotive dismantler and recycler or scrap processor; altering the required notice to and notice process for an owner and secured party of a defectively titled vehicle before the vehicle may be obtained by an automotive dismantler and recycler or scrap processor; establishing documentation that an automotive dismantler and recycler or scrap processor is required to obtain and keep on file for a certain period of time for inspection by law enforcement; prohibiting an automotive dismantler and recycler or scrap processor from accepting a defectively titled vehicle that is transported by an improperly registered tow truck; altering the reclamation period for a defectively titled vehicle possessed by an automotive dismantler and recycler or scrap processor; altering the procedures that a law enforcement agency is required to follow in issuing a certificate of authority for a defectively titled vehicle; altering the penalties for violations related to the disposition of a vehicle to an automotive dismantler and recycler or scrap processor”; in line 21, after “stylistic” insert “and clarifying”; in line 26, after “Section” insert “15-502,”; and in the same line, after “15-509” insert “, 25-209, and 27-101(c) and (d)”.

AMENDMENT NO. 2

On page 2, in line 2, strike “25-205, and 25-209” and substitute “, 25-205, and 27-101(a), (b), and (i)”; and after line 9, insert:

(Over)

“BY adding to  
Article – Transportation  
Section 27-101.2  
Annotated Code of Maryland  
(2009 Replacement Volume and 2011 Supplement)”.

On page 2, after line 12, insert:

“15–502.

(a) A person may not conduct the business of an automotive dismantler and recycler or a scrap processor, or engage in the business of acquiring or offering to purchase or remove vehicles which are to be dismantled in whole or in part by that person for the sale of usable parts, unless the person is licensed by the Administration under this subtitle.

(b) (1) A person may not advertise for the purchase, towing, or removal of junk or abandoned vehicles unless the person is licensed by the Administration under this subtitle.

(2) Any advertisement for the purchase, towing, or removal of junk or abandoned vehicles by a licensee under this subtitle shall include the license number of the licensee.

(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 unlicensed person from **PURCHASING, transporting, TOWING, OR REMOVING** a vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.”;

in line 16, before “If” insert “**(1)**”; in line 17, after “vehicle” insert “**FROM A PERSON OTHER THAN THE OWNER OF THE VEHICLE**”; after line 20, insert:

**“(2) THIS SECTION DOES NOT APPLY TO A VEHICLE TOWED FROM RESIDENTIAL OR COMMERCIAL PROPERTY UNDER A CONTINUING CONTRACT TO TOW UNAUTHORIZED VEHICLES, FOR WHICH A CERTIFICATE OF AUTHORITY IS REQUIRED TO BE OBTAINED UNDER § 25-209 OF THIS ARTICLE.”;**

and strike beginning with “AN” in line 30 down through “ARTICLE” in line 34 and substitute “**(1) AS SOON AS REASONABLY POSSIBLE AND WITHIN 7 DAYS AFTER IT TAKES A VEHICLE INTO POSSESSION FROM A PERSON OTHER THAN THE OWNER OF THE VEHICLE, AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO:**

**(I) THE LAST KNOWN REGISTERED OWNER OF THE VEHICLE; AND**

**(II) EACH SECURED PARTY, AS SHOWN ON THE RECORDS OF THE ADMINISTRATION.**

**(2) THE NOTICE SHALL:**

**(I) STATE THAT THE VEHICLE HAS BEEN TAKEN INTO CUSTODY;**

**(II) DESCRIBE THE YEAR, MAKE, MODEL, AND VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE;**

(Over)

(III) GIVE THE LOCATION OF THE FACILITY WHERE THE VEHICLE IS HELD;

(IV) INFORM THE OWNER AND SECURED PARTY OF THE OWNER'S AND SECURED PARTY'S RIGHT TO RECLAIM THE VEHICLE WITHIN 11 WORKING DAYS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING, RECOVERY, AND STORAGE CHARGES OWED TO THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR RESULTING FROM TAKING OR HOLDING THE VEHICLE; AND

(V) STATE THAT THE FAILURE OF THE OWNER OR SECURED PARTY TO EXERCISE THIS RIGHT IN THE TIME PROVIDED IS:

1. A WAIVER BY THE OWNER OR SECURED PARTY OF ALL OF THE OWNER'S OR SECURED PARTY'S RIGHT, TITLE, AND INTEREST IN THE VEHICLE; AND

2. A CONSENT TO THE DISMANTLING, DESTROYING, OR SCRAPPING OF THE VEHICLE.

(C) IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR RECEIVES WITH THE VEHICLE DOCUMENTARY PROOF THAT THE NOTIFICATION PROCEDURES OF SUBSECTION (B) OF THIS SECTION ALREADY HAVE BEEN COMPLETED BY ANOTHER PERSON BEFORE TAKING POSSESSION OF THE VEHICLE OR THAT THE VEHICLE IS BEING RECEIVED FROM THE OWNER OF THE VEHICLE OR AN AGENT OF THE OWNER, THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR MAY ACCEPT DOCUMENTATION AS TO

NOTICE OR OWNERSHIP AS PROOF OF COMPLIANCE AND IS NOT REQUIRED TO REPEAT PROVISION OF THIS NOTIFICATION.

(D) IN ADDITION TO DOCUMENTATION OF NOTICE UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION, AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL OBTAIN FROM A PERSON WHO PROVIDES THE VEHICLE:

(1) AN AFFIDAVIT IN A FORM APPROVED BY THE ADMINISTRATION SIGNED UNDER PENALTY OF PERJURY BY THE PERSON PROVIDING THE VEHICLE;

(2) A COPY OF THE DRIVER'S LICENSE OF THE PERSON WHO PROVIDES THE VEHICLE;

(3) ANY PROOF OF OWNERSHIP DOCUMENTS ACCEPTABLE TO THE ADMINISTRATION, IF AVAILABLE; AND

(4) IF THE VEHICLE IS TRANSPORTED BY A TOW VEHICLE, A COPY OF THE REGISTRATION OF THE TOW VEHICLE.

(E) AN AFFIDAVIT UNDER SUBSECTION (D) OF THIS SECTION SHALL INCLUDE:

(1) A STATEMENT THAT THE PERSON PROVIDING THE VEHICLE HAS THE LAWFUL RIGHT TO POSSESS THE VEHICLE AND THE BASIS OF THAT RIGHT;

(2) A STATEMENT THAT, EXCEPT AS PROVIDED IN § 25-209 OF THIS ARTICLE, THE VEHICLE MAY NOT BE RETITLED AND MAY ONLY BE DISMANTLED, DESTROYED, OR SCRAPPED;

(3) A DESCRIPTION OF THE VEHICLE, INCLUDING YEAR, MAKE, MODEL, COLOR, AND VEHICLE IDENTIFICATION NUMBER;

(4) THE NAME, ADDRESS, DRIVER'S LICENSE NUMBER, AND SIGNATURE OF THE PERSON PROVIDING THE VEHICLE;

(5) AN ACKNOWLEDGEMENT THAT:

(I) THE FORM IS BEING SIGNED UNDER PENALTY OF PERJURY; AND

(II) THE PENALTIES ESTABLISHED UNDER § 27-101.2 OF THIS ARTICLE APPLY;

(6) THE DATE THE VEHICLE IS PROVIDED TO THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR;

(7) THE NAME, ADDRESS, AND STATE-ISSUED LICENSE NUMBER OF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR ACQUIRING THE VEHICLE; AND

(8) THE PRINTED NAME, TITLE, AND SIGNATURE OF THE PERSON ACCEPTING THE VEHICLE.

(F) THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR SHALL KEEP AND MAKE AVAILABLE FOR INSPECTION BY A LAW

ENFORCEMENT AGENCY FOR 3 YEARS UNDER PROCEDURES ADOPTED BY THE  
ADMINISTRATION BY REGULATION:

(I) ALL DOCUMENTATION OF NOTICE PROVIDED UNDER  
SUBSECTIONS (B) OR (C) OF THIS SECTION; AND

(II) ALL ADDITIONAL DOCUMENTATION REQUIRED TO BE  
OBTAINED OR KEPT ON FILE UNDER SUBSECTION (D) OF THIS SECTION.

(G) AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP  
PROCESSOR MAY NOT ACCEPT A VEHICLE THAT IS TRANSPORTED BY A TOW  
TRUCK UNLESS THE TOW TRUCK IS REGISTERED UNDER § 13-920 OF THIS  
ARTICLE.

(H) ON RECEIPT OF A VEHICLE, AN AUTOMOTIVE DISMANTLER AND  
RECYCLER OR SCRAP PROCESSOR SHALL COMPLY WITH PROCEDURES FOR  
NOTIFICATION, REPORTING, AND DOCUMENT RETENTION AS ESTABLISHED BY  
THE ADMINISTRATION BY REGULATION”.

AMENDMENT NO. 3

On page 3, in line 1, strike “(C)” and substitute “(I)”; in line 2, after “vehicle” insert “FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAP PROCESSING”; in line 8, strike “RECLAMATION” and substitute “11-WORKING DAY”; and strike in their entirety lines 16 through 25, inclusive.

AMENDMENT NO. 4

On page 5, strike beginning with “Any” in line 27 down through “vehicle,” in line 28 and substitute “A PERSON WHO OWNS A VEHICLE, ON WHOSE PROPERTY IS FOUND AN ABANDONED VEHICLE, OR WHO HAS LAWFUL, DOCUMENTED”

POSSESSION OF A VEHICLE"; and in line 29, strike "the police department of" and substitute "A LAW ENFORCEMENT AGENCY FOR".

AMENDMENT NO. 5

On page 6, in line 1, after "shall" insert "BE MADE UNDER PENALTY OF PERJURY AND SHALL"; in lines 9, 12, 16, and 19, in each instance, strike "police department" and substitute "LAW ENFORCEMENT AGENCY"; in line 12, strike "shall" and substitute "MAY:

(I) IF THE APPLICANT APPEARS TO BE THE RIGHTFUL OWNER, APPROVE THE REQUEST ON VERIFICATION OF THE INFORMATION IN THE APPLICATION; OR

(II) IF THE APPLICATION IS MADE BY A PERSON OTHER THAN THE RIGHTFUL OWNER,;

in line 16, strike "may" and substitute "SHALL"; in line 17, strike "department" and substitute "AGENCY"; and in line 19, after "subtitle" insert "OR NOTICE HAS ALREADY BEEN PROVIDED TO THE OWNER AND ANY SECURED PARTY".

AMENDMENT NO. 6

On page 7, after line 19, insert:

"27-101.

(a) It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation:

(1) Is declared to be a felony by the Maryland Vehicle Law or by any other law of this State; or



(2) Is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law.

(b) Except as otherwise provided in this section, any person convicted of a misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(1) § 12–301(e) or (f) (“Special identification cards: Unlawful use of identification card prohibited”);

(2) § 14–102 (“Taking or driving vehicle without consent of owner”);

(3) § 14–104 (“Damaging or tampering with vehicle”);

(4) § 14–107 (“Removed, falsified, or unauthorized identification number or registration card or plate”);

(5) § 14–110 (“Altered or forged documents and plates”);

(6) § 15–312 (“Dealers: Prohibited acts – Vehicle sales transactions”);

(7) § 15–313 (“Dealers: Prohibited acts – Advertising practices”);

(8) § 15–314 (“Dealers: Prohibited acts – Violation of licensing laws”);

(9) § 15–411 (“Vehicle salesmen: Prohibited acts”);

(Over)

(10) § 15-502(c) (“Storage of certain vehicles by unlicensed persons prohibited”);

~~(11)~~ § 16-113(j) (“Violation of alcohol restriction”);

~~[(12)]~~ **(11)** § 16-301, except § 16-301(a) or (b) (“Unlawful use of license”);

~~[(13)]~~ **(12)** § 16-303(h) (“Licenses suspended under certain provisions of Code”);

~~[(14)]~~ **(13)** § 16-303(i) (“Licenses suspended under certain provisions of the traffic laws or regulations of another state”);

~~[(15)]~~ **(14)** § 18-106 (“Unauthorized use of rented motor vehicle”);

~~[(16)]~~ **(15)** § 20-103 (“Driver to remain at scene – Accidents resulting only in damage to attended vehicle or property”);

~~[(17)]~~ **(16)** § 20-104 (“Duty to give information and render aid”);

~~[(18)]~~ **(17)** § 20-105 (“Duty on striking unattended vehicle or other property”);

~~[(19)]~~ **(18)** § 20-108 (“False reports prohibited”);

~~[(20)]~~ **(19)** § 21-206 (“Interference with traffic control devices or railroad signs and signals”);

[(21)] (20) As to a pedestrian in a marked crosswalk, § 21-502(a) (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to an accident;

[(22)] (21) As to another vehicle stopped at a marked crosswalk, § 21-502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation contributes to an accident;

[(23)] (22) Except as provided in subsections (f) and (q) of this section, § 21-902(b) (“Driving while impaired by alcohol”);

[(24)] (23) Except as provided in subsections (f) and (q) of this section, § 21-902(c) (“Driving while impaired by drugs or drugs and alcohol”);

[(25)] (24) § 21-902.1 (“Driving within 12 hours after arrest”); or

[(26)] (25) § 27-107(d), (e), (f), or (g) (“Prohibited acts – Ignition interlock systems”).

(d) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 6 months or both:

(1) § 18-104 (“Renting motor vehicle with incorrect odometer”);

(2) § 22-405.1 (“Regrooved tires”);

(3) § 22-415 (“Tampering with or altering odometer”); [or]

(4) For each vehicle for which there is a violation, § 23-109 (“Inspections of used vehicles and warnings for defective equipment: Prohibited activities”); OR

**(5) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION AND § 27-101.2 OF THIS SUBTITLE, TITLE 15, SUBTITLE 5 OF THIS ARTICLE.**

(i) Any person who is convicted of a violation of any of the provisions of § 15-402 of this article (“Vehicle salesman’s license required”) or § 15-502(a) of this article (“Automotive dismantler and recycler or scrap processor – License required”) is subject to:

(1) For a first offense, a fine of not more than \$1,000 or imprisonment for not more than 6 months or both; and

(2) For any subsequent offense, a fine of not more than \$2,000 or imprisonment for not more than 1 year or both.

**27-101.2.**

**A PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT ON AN AFFIDAVIT OF LAWFUL POSSESSION UNDER § 15-509 OF THIS ARTICLE OR ON AN APPLICATION FOR A CERTIFICATE OF AUTHORITY UNDER § 25-209 OF THIS ARTICLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 10 YEARS OR BOTH.”.**