

HOUSE BILL 499

R7

2lr0971

By: ~~Delegate Niemann~~ **Delegates Niemann and Frush**

Introduced and read first time: February 2, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Disposition of Vehicle to Automotive Dismantler and**
3 **Recycler or Scrap Processor**

4 FOR the purpose of repealing a provision of law that authorizes certain persons to
5 transfer certain inoperable vehicles to an automotive dismantler and recycler or
6 scrap processor without providing a certificate of title or fulfilling certain notice
7 requirements; repealing a provision of law that authorizes an automotive
8 dismantler and recycler or scrap processor to require certain vehicle transferors
9 to execute an indemnity agreement; repealing a certain exception for certain
10 vehicles to the requirement that an automotive dismantler and recycler or scrap
11 processor follow certain procedures after taking possession of a vehicle without
12 receiving certain documentary evidence of ownership; establishing that an
13 automotive dismantler and recycler or scrap processor that does not receive
14 certain documentation from a certain police department when taking possession
15 of a vehicle under certain circumstances is required to comply with certain
16 procedures; altering the notice requirements that an automotive dismantler and
17 recycler or scrap processor is required to follow if it takes possession of a vehicle
18 but does not receive certain documentary evidence of ownership; ~~requiring an~~
19 ~~automotive dismantler and recycler or scrap processor that certifies to the~~
20 ~~Motor Vehicle Administration that it is taking title to a vehicle to include~~
21 ~~certain additional documentation in the certification~~ clarifying that certain
22 activity related to the delivery of a vehicle to an automotive dismantler and
23 recycler or scrap processor does not require licensure as an automotive
24 dismantler and recycler or scrap processor; providing for the application of
25 provisions of law governing the disposition of a vehicle to an automotive

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 dismantler and recycler or scrap processor; altering the required notice to and
 2 notice process for an owner and secured party of a defectively titled vehicle
 3 before the vehicle may be obtained by an automotive dismantler and recycler or
 4 scrap processor; establishing documentation that an automotive dismantler and
 5 recycler or scrap processor is required to obtain and keep on file for a certain
 6 period of time for inspection by law enforcement; prohibiting an automotive
 7 dismantler and recycler or scrap processor from accepting a defectively titled
 8 vehicle that is transported by an improperly registered tow truck; altering the
 9 reclamation period for a defectively titled vehicle possessed by an automotive
 10 dismantler and recycler or scrap processor; altering the procedures that a law
 11 enforcement agency is required to follow in issuing a certificate of authority for
 12 a defectively titled vehicle; altering the penalties for violations related to the
 13 disposition of a vehicle to an automotive dismantler and recycler or scrap
 14 processor; making certain stylistic and clarifying changes; and generally
 15 relating to the disposition of a vehicle to an automotive dismantler and recycler
 16 or scrap processor.

17 BY repealing and reenacting, with amendments,
 18 Article – Transportation
 19 Section 15–502, 15–509, 25–209, and 27–101(c) and (d)
 20 Annotated Code of Maryland
 21 (2009 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article – Transportation
 24 Section 25–204, ~~25–205, and 25–209~~ 25–205, and 27–101(a), (b), and (i)
 25 Annotated Code of Maryland
 26 (2009 Replacement Volume and 2011 Supplement)

27 BY repealing
 28 Article – Transportation
 29 Section 25–210
 30 Annotated Code of Maryland
 31 (2009 Replacement Volume and 2011 Supplement)

32 BY adding to
 33 Article – Transportation
 34 Section 27–101.2
 35 Annotated Code of Maryland
 36 (2009 Replacement Volume and 2011 Supplement)

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

39 **Article – Transportation**

40 15–502.

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

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

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

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

15 (d) This section does not prohibit an unlicensed person from **PURCHASING,**
16 transporting, **TOWING, OR REMOVING** a vehicle to a licensed automotive dismantler
17 and recycler or a licensed scrap processor for dismantling, destroying, or scrapping.

18 15-509.

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

21 (b)] (1) If an automotive dismantler and recycler or scrap processor takes
22 possession of a vehicle **FROM A PERSON OTHER THAN THE OWNER OF THE**
23 **VEHICLE** and does not receive a certificate of title, **A CERTIFICATE OF AUTHORITY**
24 **UNDER § 25-209 OF THIS ARTICLE**, or other documentary evidence of ownership
25 acceptable to the Administration, the automotive dismantler and recycler or scrap
26 processor shall comply with this section.

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

31 [(c) After the vehicle has been in the possession of the automotive dismantler
32 and recycler or scrap processor for more than 30 days, the automotive dismantler and
33 recycler or scrap processor shall give at least 10 days' notice of intent to dispose of the
34 vehicle. The notice shall be sent by certified mail, return receipt requested, bearing a
35 postmark from the United States Postal Service, to:

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

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

5 (B) (1) ~~AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP~~
6 ~~PROCESSOR THAT TAKES POSSESSION OF A VEHICLE AND DOES NOT RECEIVE~~
7 ~~DOCUMENTARY EVIDENCE OF OWNERSHIP ACCEPTABLE TO THE~~
8 ~~ADMINISTRATION SHALL FOLLOW THE NOTIFICATION PROCEDURES UNDER §§~~
9 ~~25-204 AND 25-205 OF THIS ARTICLE AS SOON AS REASONABLY POSSIBLE AND~~
10 ~~WITHIN 7 DAYS AFTER IT TAKES A VEHICLE INTO POSSESSION FROM A PERSON~~
11 ~~OTHER THAN THE OWNER OF THE VEHICLE, AN AUTOMOTIVE DISMANTLER AND~~
12 ~~RECYCLER OR SCRAP PROCESSOR SHALL SEND A NOTICE, BY CERTIFIED MAIL,~~
13 ~~RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED~~
14 ~~STATES POSTAL SERVICE, TO:~~

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

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

19 (2) THE NOTICE SHALL:

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

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

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

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

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

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

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

6 (C) IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP
7 PROCESSOR RECEIVES WITH THE VEHICLE DOCUMENTARY PROOF THAT THE
8 NOTIFICATION PROCEDURES OF SUBSECTION (B) OF THIS SECTION ALREADY
9 HAVE BEEN COMPLETED BY ANOTHER PERSON BEFORE TAKING POSSESSION OF
10 THE VEHICLE OR THAT THE VEHICLE IS BEING RECEIVED FROM THE OWNER OF
11 THE VEHICLE OR AN AGENT OF THE OWNER, THE AUTOMOTIVE DISMANTLER
12 AND RECYCLER OR SCRAP PROCESSOR MAY ACCEPT DOCUMENTATION AS TO
13 NOTICE OR OWNERSHIP AS PROOF OF COMPLIANCE AND IS NOT REQUIRED TO
14 REPEAT PROVISION OF THIS NOTIFICATION.

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

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

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

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

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

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

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

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

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

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

8 **(5) AN ACKNOWLEDGEMENT THAT:**

9 **(i) THE FORM IS BEING SIGNED UNDER PENALTY OF**
10 **PERJURY; AND**

11 **(ii) THE PENALTIES ESTABLISHED UNDER § 27-101.2 OF**
12 **THIS ARTICLE APPLY;**

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

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

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

20 **(F) THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP**
21 **PROCESSOR SHALL KEEP AND MAKE AVAILABLE FOR INSPECTION BY A LAW**
22 **ENFORCEMENT AGENCY FOR 3 YEARS UNDER PROCEDURES ADOPTED BY THE**
23 **ADMINISTRATION BY REGULATION;**

24 **(i) ALL DOCUMENTATION OF NOTICE PROVIDED UNDER**
25 **SUBSECTIONS (B) OR (C) OF THIS SECTION; AND**

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

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

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

5 **[(d)] ~~(C)~~ (I)** [(1)] The automotive dismantler and recycler or scrap processor
 6 takes unencumbered title to the vehicle **FOR THE PURPOSE OF DISMANTLING,**
 7 **RECYCLING, OR SCRAP PROCESSING,** without having to obtain a certificate of title
 8 for it in his own name, if:

9 **[(i)] (1)** [He] **THE AUTOMOTIVE DISMANTLER AND**
 10 **RECYCLER OR SCRAP PROCESSOR** has complied with this section; and

11 **[(ii)] (2)** [Except as provided in paragraph (2) of this
 12 subsection, the] **THE** vehicle has not been recovered or reclaimed, before the end of the
 13 **[10-day] RECLAMATION 11-WORKING DAY** period specified in the notice, by the
 14 owner, secured party, or other person entitled to its possession.

15 **[(2)** If the address of the owner, secured party, or other person entitled
 16 to possession of the vehicle cannot be obtained from the records of the Administration
 17 or by the exercise of reasonable diligence, the automotive dismantler and recycler or
 18 scrap processor takes unencumbered title to the vehicle, without having to obtain a
 19 certificate of title in his own name, after the vehicle has been in his possession for 30
 20 days.]

21 **[(c)] ~~(D)~~ (1)** ~~If an automotive dismantler and recycler or scrap processor~~
 22 ~~takes title to a vehicle under this section, the automotive dismantler and recycler or~~
 23 ~~scrap processor shall certify this fact to the Administration.~~

24 **~~(2)~~** ~~The certification shall [be]:~~

25 **~~(i)~~** ~~BE made in the form that the Administration requires;~~

26 **~~(ii)~~** ~~INCLUDE DOCUMENTARY PROOF THAT THE~~
 27 ~~NOTIFICATION PROCEDURES UNDER §§ 25-204 AND 25-205 OF THIS ARTICLE~~
 28 ~~HAVE BEEN FULFILLED; and~~

29 **~~(iii)~~** ~~BE sent to the Administration within 5 days after the~~
 30 ~~automotive dismantler and recycler or scrap processor takes title.~~

31 25-204.

32 (a) As soon as reasonably possible and within 7 days at most after it takes an
 33 abandoned vehicle into custody, a police department shall send a notice, by certified

1 mail, return receipt requested, bearing a postmark from the United States Postal
2 Service, to:

3 (1) The last known registered owner of the vehicle; and

4 (2) Each secured party, as shown on the records of the Administration.

5 (b) The notice shall:

6 (1) State that the abandoned vehicle has been taken into custody;

7 (2) Describe the year, make, model, and vehicle identification number
8 of the vehicle;

9 (3) Give the location of the facility where the vehicle is held;

10 (4) (i) Inform the owner and secured party of the owner's and
11 secured party's right to reclaim the vehicle within 3 weeks after the date of the notice,
12 on payment of all towing, preservation, and storage charges resulting from taking or
13 placing the vehicle in custody; or

14 (ii) In Baltimore City and Montgomery County, be sent by
15 certified mail, return receipt requested, and inform the owner and secured party of the
16 owner's and secured party's right to reclaim the vehicle within 11 working days after
17 the receipt of the notice, on payment of all towing, preservation, and storage charges
18 resulting from taking or placing the vehicle in custody; and

19 (5) State that the failure of the owner or secured party to exercise this
20 right in the time provided is:

21 (i) A waiver by the owner or secured party of all of the owner's
22 or secured party's right, title, and interest in the vehicle;

23 (ii) A consent to the sale of the vehicle at public auction; and

24 (iii) A consent by the owner other than a lessor to the retention
25 of the vehicle for public purposes as provided in § 25–207 of this subtitle.

26 (c) In Baltimore City, Prince George's County, and Montgomery County, a
27 police department or its agent may seek to recover costs of impoundment, storage, and
28 sale of a vehicle as provided by §§ 25–206.1 and 25–206.2 of this subtitle. If a police
29 department or its agent seeks to apply the provisions of §§ 25–206.1 and 25–206.2 of
30 this subtitle, the notice required by this section shall also state that the failure of the
31 owner or secured party to exercise the right to reclaim the vehicle in the time provided
32 may cause:

33 (1) Continuing liability of the owner for costs of:

1 (i) Impoundment;

2 (ii) Storage within the chargeable limit for storage as provided
3 in § 25–206.1(b) of this subtitle; and

4 (iii) Sale of the vehicle; and

5 (2) Denial of any application by the owner to renew the registration of
6 any vehicle as required by § 25–206.2 of this subtitle.

7 25–205.

8 (a) This section applies if:

9 (1) The identity of the last registered owner of an abandoned vehicle
10 cannot be determined;

11 (2) The registration of the vehicle gives no address for the owner;

12 (3) It is impossible to determine with reasonable certainty the identity
13 and address of each secured party; or

14 (4) The certified mail notice required by § 25–204 of this subtitle is
15 returned as undeliverable.

16 (b) Under one of the conditions described in subsection (a) of this section, a
17 police department that takes an abandoned vehicle into custody shall give the
18 required notice by posting a notice complying with the provisions of subsection (c) of
19 this section in the circuit court of the county where the abandoned vehicle was found.

20 (c) The notice:

21 (1) May contain multiple listings of abandoned vehicles;

22 (2) Shall contain the information required by § 25–204 of this subtitle;

23 and

24 (3) Shall be posted:

25 (i) Within 15 days of the taking into custody of the vehicle; or

26 (ii) If the notice by posting under this section is made because of
27 the return as undeliverable of a prior notice by certified mail, return receipt requested,
28 bearing a postmark from the United States Postal Service, within 7 days of the return
29 of that prior notice.

1 25-209.

2 (a) ~~Any person who possesses or on whose property is found an abandoned~~
3 ~~vehicle and any person who owns a vehicle, A PERSON WHO OWNS A VEHICLE, ON~~
4 ~~WHOSE PROPERTY IS FOUND AN ABANDONED VEHICLE, OR WHO HAS LAWFUL,~~
5 ~~DOCUMENTED POSSESSION OF A VEHICLE~~ for which the certificate of title is
6 defective, lost, or destroyed, may apply to ~~the police department of~~ A LAW
7 ~~ENFORCEMENT AGENCY FOR~~ the jurisdiction in which the vehicle is located for
8 authority to transfer the vehicle to an automotive dismantler and recycler or scrap
9 processor.

10 (b) The application shall BE MADE UNDER PENALTY OF PERJURY AND
11 SHALL include:

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

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

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

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

19 (c) If a ~~police department~~ LAW ENFORCEMENT AGENCY finds that the
20 application is executed in proper form and shows either that the vehicle has been
21 abandoned on the property of the applicant or, if the vehicle is not abandoned, that the
22 applicant appears to be the rightful owner, the ~~police department~~ LAW
23 ENFORCEMENT AGENCY shall MAY:

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

27 (II) IF THE APPLICATION IS MADE BY A PERSON OTHER
28 THAN THE RIGHTFUL OWNER, follow the notification procedures of §§
29 25-204 and 25-205 of this subtitle.

30 (c-1) If the applicant submits with the application documentary proof that the
31 notification procedures of §§ 25-204 and 25-205 of this subtitle already have been
32 complied with, the ~~police department~~ LAW ENFORCEMENT AGENCY may SHALL
33 accept the document as proof of compliance and the ~~department~~ AGENCY is not
34 required to provide this notification.

1 (d) (1) If an abandoned vehicle is not reclaimed in the time required by
2 this subtitle **OR NOTICE HAS ALREADY BEEN PROVIDED TO THE OWNER AND ANY**
3 **SECURED PARTY**, the ~~police department~~ **LAW ENFORCEMENT AGENCY** shall give
4 the applicant a certificate of authority to transfer the vehicle to:

5 (i) Any automotive dismantler and recycler for:

6 1. Dismantling, destroying, or scrapping; or
7 2. Salvaging as authorized under § 13-506 of this
8 article; or

9 (ii) Any scrap processor for dismantling, destroying, or
10 scrapping.

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

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

15 [25-210.

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

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

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

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

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

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

31 (d) In those cases described in subsection (b) of this section, an automotive
32 dismantler and recycler or a scrap processor whose plant is physically located and
33 operating in this State may file with the Administration the indemnity agreement

1 described in subsection (c) of this section that identifies the vehicle and contains the
2 name, address, and signature of the person delivering it.]

3 27-101.

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

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

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

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

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

16 (1) § 12-301(e) or (f) (“Special identification cards: Unlawful use of
17 identification card prohibited”);

18 (2) § 14-102 (“Taking or driving vehicle without consent of owner”);

19 (3) § 14-104 (“Damaging or tampering with vehicle”);

20 (4) § 14-107 (“Removed, falsified, or unauthorized identification
21 number or registration card or plate”);

22 (5) § 14-110 (“Altered or forged documents and plates”);

23 (6) § 15-312 (“Dealers: Prohibited acts – Vehicle sales transactions”);

24 (7) § 15-313 (“Dealers: Prohibited acts – Advertising practices”);

25 (8) § 15-314 (“Dealers: Prohibited acts – Violation of licensing laws”);

26 (9) § 15-411 (“Vehicle salesmen: Prohibited acts”);

27 (10) [§ 15-502(c) (“Storage of certain vehicles by unlicensed persons
28 prohibited”);

29 (11)] § 16-113(j) (“Violation of alcohol restriction”);

1 [(12)] (11) § 16–301, except § 16–301(a) or (b) (“Unlawful use of
2 license”);

3 [(13)] (12) § 16–303(h) (“Licenses suspended under certain provisions of
4 Code”);

5 [(14)] (13) § 16–303(i) (“Licenses suspended under certain provisions of
6 the traffic laws or regulations of another state”);

7 [(15)] (14) § 18–106 (“Unauthorized use of rented motor vehicle”);

8 [(16)] (15) § 20–103 (“Driver to remain at scene – Accidents resulting
9 only in damage to attended vehicle or property”);

10 [(17)] (16) § 20–104 (“Duty to give information and render aid”);

11 [(18)] (17) § 20–105 (“Duty on striking unattended vehicle or other
12 property”);

13 [(19)] (18) § 20–108 (“False reports prohibited”);

14 [(20)] (19) § 21–206 (“Interference with traffic control devices or
15 railroad signs and signals”);

16 [(21)] (20) As to a pedestrian in a marked crosswalk, § 21–502(a)
17 (“Pedestrians’ right-of-way in crosswalks: In general”), if the violation contributes to
18 an accident;

19 [(22)] (21) As to another vehicle stopped at a marked crosswalk, §
20 21–502(c) (“Passing of vehicle stopped for pedestrian prohibited”), if the violation
21 contributes to an accident;

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

24 [(24)] (23) Except as provided in subsections (f) and (q) of this section, §
25 21–902(c) (“Driving while impaired by drugs or drugs and alcohol”);

26 [(25)] (24) § 21–902.1 (“Driving within 12 hours after arrest”); or

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

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

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

2 (2) § 22–405.1 (“Regrooved tires”);

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

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

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

9 (i) Any person who is convicted of a violation of any of the provisions of §
10 15–402 of this article (“Vehicle salesman’s license required”) or § 15–502(a) of this
11 article (“Automotive dismantler and recycler or scrap processor – License required”) is
12 subject to:

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

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

17 **27–101.2.**

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2012.