

HOUSE BILL 768

R7

2lr2417

By: **Delegate Niemann**

Introduced and read first time: February 9, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Junk and Abandoned Vehicles – Penalties for Violations**

3 FOR the purpose of altering the criminal penalties for advertising for the purchase,
4 towing, or removal of junk or abandoned vehicles without an automotive
5 dismantler and recycler or scrap processor license; altering the criminal
6 penalties for and applying certain administrative penalties to violations of
7 certain standards and procedures governing the disposition of certain vehicles
8 to an automotive dismantler and recycler or scrap processor when the vehicle's
9 certificate of title is defective, lost, or destroyed; and generally relating to
10 penalties for violations related to the disposal of junk or abandoned vehicles.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 15–109, 15–502, 25–209, 25–210, and 27–101(a), (b), and (c)(10)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 15–514 and 27–101(i)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 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 15–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In addition to any other grounds specified in this title for refusal, suspension, or
2 revocation of a license, the Administration may refuse to grant a license under this
3 title to any person and may suspend, revoke, or refuse to renew the license of any
4 person if it finds that:

5 (1) The person has violated or is attempting to violate any provision of
6 this title or any rule or regulation adopted under this title;

7 (2) The person has violated or is attempting to violate any of the other
8 provisions of the Maryland Vehicle Law that relate to the business or activity of that
9 person; or

10 (3) Any officer, manager, agent, or employee of the person has violated
11 or is attempting to violate any provision of this title, any rule or regulation adopted
12 under this title, or any of the other provisions of the Maryland Vehicle Law that relate
13 to the business or activity of the person, unless the Administration is satisfied that the
14 individuals engaged in the management of the business or activity:

15 (i) Had no knowledge of the wrongful conduct; or

16 (ii) Were unable to prevent the violation or attempted violation.

17 15-502.

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

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

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

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

32 (d) This section does not prohibit an unlicensed person from transporting a
33 vehicle to a licensed automotive dismantler and recycler or a licensed scrap processor
34 for dismantling, destroying, or scrapping.

35 15-514.

1 (a) In addition to the other grounds specified in Subtitle 1 of this title for
2 refusal, suspension, or revocation of a license, the Administration may refuse to grant
3 a license under this subtitle to any person and may suspend, revoke, or refuse to
4 renew the license of any person if it finds that the person has violated any applicable
5 rule or regulation of the Department of Health and Mental Hygiene.

6 (b) As to any person licensed under this subtitle, instead of or in addition to
7 revocation, suspension, or refusal to renew a license under this section, the
8 Administration may order the licensee to pay a fine not exceeding \$1,000 for each
9 violation of this subtitle **OR § 25-209 OR § 25-210 OF THIS ARTICLE.**

10 25-209.

11 (a) Any person who possesses or on whose property is found an abandoned
12 vehicle and any person who owns a vehicle, for which the certificate of title is
13 defective, lost, or destroyed, may apply to the police department of the jurisdiction in
14 which the vehicle is located for authority to transfer the vehicle to an automotive
15 dismantler and recycler or scrap processor.

16 (b) The application shall include:

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

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

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

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

24 (c) If a police department finds that the application is executed in proper
25 form and shows either that the vehicle has been abandoned on the property of the
26 applicant or, if the vehicle is not abandoned, that the applicant appears to be the
27 rightful owner, the police department shall follow the notification procedures of §§
28 25-204 and 25-205 of this subtitle.

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

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

- 1 (i) Any automotive dismantler and recycler for:
- 2 1. Dismantling, destroying, or scrapping; or
- 3 2. Salvaging as authorized under § 13–506 of this
4 article; or
- 5 (ii) Any scrap processor for dismantling, destroying, or
6 scrapping.

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

9 (3) The automotive dismantler and recycler may apply for a salvage
10 certificate as provided in § 13–506 of this article.
11 25–210.

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

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

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

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

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

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

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

32 27–101.

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

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

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

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

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

13 (10) § 15-502(c) (“Storage of certain vehicles by unlicensed persons
14 prohibited”);

15 (i) Any person who is convicted of a violation of any of the provisions of §
16 15-402 of this article (“Vehicle salesman’s license required”) [or], §
17 15-502(a) OR (B) of this article (“Automotive dismantler and recycler or scrap
18 processor – License required”), **§ 25-209 OF THIS ARTICLE (“DISPOSITION OF**
19 **VEHICLES TO DISMANTLER AND RECYCLER OR SCRAP PROCESSOR – IN**
20 **GENERAL”), OR § 25-210 OF THIS ARTICLE (“DISPOSITION OF VEHICLES TO**
21 **DISMANTLER AND RECYCLER OR SCRAP PROCESSOR – TRANSFER UNDER**
22 **INDEMNITY AGREEMENT”)** is subject to:

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

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

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