

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1455 (Delegate Parrott)
Environment and Transportation

Highway Parking - Prohibition Against Prolonged Parking of Inoperable or Disabled Vehicle

This bill prohibits the parking of a disabled, inoperable, or immobilized vehicle on a public roadway for more than seven days. A vehicle in violation of the bill's requirement may not be towed unless a notice of intent to tow is posted prominently on the vehicle at least 72 hours prior to towing. A police department that takes a vehicle into custody must follow the same notice requirements as those for abandoned vehicles. The bill's prohibition on prolonged parking of an inoperable or disabled vehicle does not apply to a vehicle that has been immobilized by a local government entity or an agent of a local government entity.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues. The District Court can handle any increase in contested caseloads with existing resources. Enforcement has operational impacts but can be handled with existing resources, as noted below.

Local Effect: Local revenues increase minimally due to fines imposed as a result of the bill's prohibition against prolonged parking of such vehicles on a public roadway. Enforcement has operational impacts but can be handled with existing resources, as noted below.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill defines an “inoperable or disabled vehicle” as a vehicle that is visibly unable to function or move or which, though able to operate or move, poses a severe safety hazard. An inoperable or disabled vehicle includes:

- a vehicle that is missing one or more wheels;
- a vehicle that has one or more severely underinflated or flat tires; and
- a vehicle with a severely damaged windshield.

The notice of intent to tow posted on an inoperable or disabled vehicle must include (1) the address and telephone number of the facility where the vehicle will be impounded and (2) contact information where the owner of the vehicle may direct questions regarding the notice of the intent to tow.

Current Law:

Abandoned Vehicles

An “abandoned vehicle” is defined, among other things, as any motor vehicle, trailer, or semitrailer that is inoperable and left unattended on public property for more than 48 hours or that has remained illegally on public property for more than 48 hours. In addition, the definition also includes a vehicle that has been left unattended on any portion of a controlled access highway for more than 24 hours.

A person may not abandon a vehicle on any public property. The last known registered owner of an abandoned vehicle is considered to be the *prima facie* owner of the vehicle at the time of abandonment as well as the person who abandoned it. A police department is authorized to take any abandoned vehicle into custody using its own personnel, equipment, and facilities. In addition, subject to specified requirements, a police department may use other persons, equipment, and facilities for removing, preserving, and storing abandoned vehicles.

Required Notice

As soon as reasonably possible – but no more than seven days after it takes an abandoned vehicle into custody – a police department must send a notice by certified U.S. mail with a return receipt requested to (1) the last known registered owner of the vehicle and (2) each secured party, as shown on Motor Vehicle Administration records.

The notice must include specified information, including information about the vehicle and the location of the facility where the vehicle is held. In general, a vehicle may be reclaimed within three weeks after the date of the notice, after payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody. (In Baltimore City and Montgomery County, the vehicle must be reclaimed within 11 working days after receipt of the notice and payment of any applicable charges.) Failure to reclaim the vehicle within the appropriate time period is considered (1) a waiver of the owner's or secured party's right, title, and interest in the vehicle; (2) a consent to the sale of the vehicle at public auction; and (3) a consent by the owner (other than a lessor) to the retention of the vehicle for public purposes as specified in the Transportation Article.

In Baltimore City and Prince George's and Montgomery counties, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle as specified in the Transportation Article. If a police department or its agent seeks to exercise this option, the required notice must include additional information specifying the consequences of failing to reclaim the vehicle within the specified time period.

Additional Comments: The Department of State Police and other law enforcement agencies advise that, currently, vehicles on controlled access highways can be removed from the roadway after 12 to 48 hours, depending on the highway. Under the bill, vehicles are effectively permitted to remain on the highway for up to seven days, regardless of whether such vehicles pose a severe safety hazard. As a result, the bill may prevent police from removing vehicles that pose an immediate threat to public safety.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Montgomery County; Maryland Association of Counties; cities of Frederick and Havre de Grace; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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