

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 276

(Senator Ready)

Education, Health, and Environmental Affairs

Environment and Transportation

Carroll County - Unlicensed Junk Vehicles and Parts - Repeal

This bill repeals a provision of the Carroll County Code of Public Local Laws related to the removal and impoundment of unlicensed junk motor vehicles or parts.

Fiscal Summary

State Effect: None.

Local Effect: The bill is not anticipated to materially affect Carroll County operations or finances.

Small Business Effect: None.

Analysis

Current Law/Background:

Unlicensed Junk Vehicles and Parts in Carroll County

A person may not leave an unlicensed junk motor vehicle (or parts) on private or public property, in open view of persons on a nearby highway, road, or street. The Carroll County Commissioners must give 10 days' notice to the owner of record requesting removal of the automobile. If the owner does not comply, the commissioners must remove and dispose of the automobile. The owner may be fined up to \$100 as well as charged for the removal and disposal. If there is no owner of record (or if the owner cannot be located), the commissioners must remove and dispose of the automobile.

The commissioners may also impound the motor vehicle and sell it pursuant to requirements in § 7-101 of the Carroll County Code of Public Local Laws governing the removal of abandoned vehicles.

However, these requirements do not apply to vehicles in a regularly operated and duly licensed gasoline service station, garage, or motor vehicle junkyard or “graveyard.”

Abandoned Vehicles in Carroll County

Generally, county law enforcement officers are authorized to remove an abandoned motor vehicle if the vehicle is in violation of any parking law or ordinance or if the vehicle is abandoned long enough so as to constitute a traffic hazard or a nuisance. After a 30-day impoundment period and subject to notice requirements, the vehicle may be sold.

The proceeds (after deducting costs related to the impoundment, removal, and sale) go to the board of county commissioners. However, if the owner presents a claim to the county within a year of the sale, the commissioners must pay the surplus funds to the owner.

Abandoned Vehicles (Statewide Provisions)

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 Information

Prior Introductions: None.

Cross File: HB 632 (Carroll County Delegation) - Environment and Transportation.

Information Source(s): Carroll County; Department of Labor, Licensing, and Regulation; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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