

HOUSE BILL 262

R7

3lr1276

By: **Delegate Foley**

Introduced and read first time: January 25, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: February 25, 2023

CHAPTER _____

1 AN ACT concerning

2 **Abandoned Vehicles – Secured Parties – Electronic Notification**

3 FOR the purpose of authorizing a police department that takes an abandoned vehicle into
4 custody to notify any secured party electronically if that form of notice is agreed to
5 by the police department, the tower, and the secured party in a certain manner;
6 altering the application of a provision of law authorizing a police department to
7 provide certain alternative public notice of custody of an abandoned vehicle to
8 include circumstances where electronic notice is unacknowledged or undeliverable;
9 and generally relating to electronic notification of secured parties by a police
10 department after taking an abandoned vehicle into custody.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 25–204 and 25–205
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)

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

18 **Article – Transportation**

19 25–204.

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 (a) (1) As soon as reasonably possible and within 7 days at most after it takes
2 an abandoned vehicle into custody, a police department shall send a notice, by certified
3 mail, return receipt requested, bearing a postmark from the United States Postal Service,
4 to:

5 [(1)] (I) The last known registered owner of the vehicle; and

6 [(2)] (II) [Each] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
7 **EACH** secured party, as shown on the records of the Administration.

8 (2) **A POLICE DEPARTMENT MAY SEND NOTICE TO ANY SECURED**
9 **PARTY ELECTRONICALLY, IF THAT FORM OF NOTICE IS AGREED TO BY THE POLICE**
10 **DEPARTMENT, THE TOWER, AND THE SECURED PARTY IN WRITING OR BY**
11 **ELECTRONIC COMMUNICATION.**

12 (b) The notice shall:

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

14 (2) Describe the year, make, model, and vehicle identification number of
15 the vehicle;

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

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

21 (ii) In Baltimore City and Montgomery County, **SUBJECT TO**
22 **SUBSECTION (A)(2) OF THIS SECTION,** be sent by certified mail, return receipt requested,
23 and inform the owner and secured party of the owner's and secured party's right to reclaim
24 the vehicle within 11 working days after the receipt of the notice, on payment of all towing,
25 preservation, and storage charges resulting from taking or placing the vehicle in custody;
26 and

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

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

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

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

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

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

8 (i) Impoundment;

9 (ii) Storage within the chargeable limit for storage as provided in §
10 25–206.1(b) of this subtitle; and

11 (iii) Sale of the vehicle; and

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

14 25–205.

15 (a) This section applies if:

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

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

19 (3) It is impossible to determine with reasonable certainty the identity and
20 address of each secured party; [or]

21 (4) The certified mail notice required by § 25–204 of this subtitle is
22 returned as undeliverable; OR

23 **(5) THE ELECTRONIC NOTICE AUTHORIZED UNDER § 25–204 OF THIS**
24 **SUBTITLE IS NOT ACKNOWLEDGED OR IS RETURNED AS UNDELIVERABLE.**

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

29 (c) The notice:

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

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

2 (3) Shall be posted:

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

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.