Article - Transportation

[Previous][Next]

§15–509.

(a) (1) If an automotive dismantler and recycler or scrap processor takes possession of a vehicle from a person other than the owner of the vehicle and does not receive a certificate of title, a certificate of authority under § 25–209 of this article, or other documentary evidence of ownership acceptable to the Administration, the automotive dismantler and recycler or scrap processor shall comply with this section.

(2) This section does not apply to a vehicle towed from residential or commercial property under a continuing contract to tow unauthorized vehicles, for which a certificate of authority is required to be obtained under § 25–209 of this article.

(b) (1) As soon as reasonably possible and within 7 days after it takes a vehicle into possession from a person other than the owner of the vehicle, an automotive dismantler and recycler or scrap processor shall send a notice, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to:

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

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

(2) The notice shall:

(i) State that the vehicle has been taken into custody;

(ii) Describe the year, make, model, and vehicle identification number of the vehicle;

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

(iv) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the date of the notice, on payment of all towing, recovery, and storage charges owed to the automotive dismantler and recycler or scrap processor resulting from taking or holding the vehicle; and

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

1. A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle; and

2. A consent to the dismantling, destroying, or scrapping of the vehicle.

(c) If the automotive dismantler and recycler or scrap processor receives with the vehicle documentary proof that the notification procedures of subsection (b) of this section already have been completed by another person before taking possession of the vehicle or that the vehicle is being received from the owner of the vehicle or an agent of the owner, the automotive dismantler and recycler or scrap processor may accept documentation as to notice or ownership as proof of compliance and is not required to repeat provision of this notification.

(d) In addition to documentation of notice under subsections (b) and (c) of this section, an automotive dismantler and recycler or scrap processor shall obtain from a person who provides the vehicle:

(1) An affidavit in a form approved by the Administration signed under penalty of perjury by the person providing the vehicle;

(2) A copy of the driver's license of the person who provides the vehicle;

(3) Any proof of ownership documents acceptable to the Administration, if available; and

(4) If the vehicle is transported by a tow vehicle, a copy of the registration of the tow vehicle.

(e) An affidavit under subsection (d) of this section shall include:

(1) A statement that the person providing the vehicle has the lawful right to possess the vehicle and the basis of that right;

(2) A statement that, except as provided in § 25–209 of this article, the vehicle may not be retitled and may only be dismantled, destroyed, or scrapped;

(3) A description of the vehicle, including year, make, model, color, and vehicle identification number;

(4) The name, address, driver's license number, and signature of the person providing the vehicle;

(5) An acknowledgement that:

(i) The form is being signed under penalty of perjury; and

(ii) The penalties established under subsection (k) of this section apply;

(6) The date the vehicle is provided to the automotive dismantler and recycler or scrap processor;

(7) The name, address, and State–issued license number of the automotive dismantler and recycler or scrap processor acquiring the vehicle; and

(8) The printed name, title, and signature of the person accepting the vehicle.

(f) The automotive dismantler and recycler or scrap processor shall keep and make available for inspection by a law enforcement agency for 3 years under procedures adopted by the Administration by regulation:

(1) All documentation of notice provided under subsection (b) or (c) of this section; and

(2) All additional documentation required to be obtained or kept on file under subsection (d) of this section.

(g) An automotive dismantler and recycler or scrap processor may not accept a vehicle that is transported by a tow truck unless the tow truck is registered under § 13–920 of this article.

(h) On receipt of a vehicle, an automotive dismantler and recycler or scrap processor shall comply with procedures for notification, reporting, and document retention as established by the Administration by regulation.

(i) The automotive dismantler and recycler or scrap processor takes unencumbered title to the vehicle for the purpose of dismantling, recycling, or scrap processing, without having to obtain a certificate of title for it in his own name, if:

(1) The automotive dismantler and recycler or scrap processor has complied with this section; and

(2) The vehicle has not been recovered or reclaimed, before the end of the 11–working day period specified in the notice, by the owner, secured party, or other person entitled to its possession.

(j) A person may not knowingly make a false statement on an affidavit of lawful possession under this section.

(k) A person who violates subsection (j) of this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $1,000 or both.

[Previous][Next]