

BRIAN E. FROSH
Attorney General

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General



WILLIAM D. GRUHN
Chief
Consumer Protection Division

Writer's Fax No.

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.

410-576-7942
kstraughn@oag.state.md.us
Fax: 410-576-7040

February 16, 2021

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: Senate Bill 648 – Vehicle Laws – Disposal of Abandoned Vehicles – Public Auction (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in opposition to Senate Bill 648 submitted by Senator Jill P. Carter. The bill permits an individual to sell a vehicle at public auction if it is abandoned on their property. Current law requires that an abandoned vehicle be provided to law enforcement for auction or disposal, which provides some protection against a vehicle being improperly disposed of by the individual claiming the vehicle is abandoned.

Under the Transportation Article, an abandoned vehicle includes, among other things, a vehicle that remains in a garage or an establishment for the servicing, repair or maintenance of vehicles for more than 10 days after the vehicle was to remain there by contract. Accordingly, if this bill were passed, a repair facility would be able to sell a vehicle at public auction if it remained at their shop for more than 10 days after the shop finished repairs.

The Consumer Protection Division often receives complaints concerning vehicles in a shop for repairs. In some cases, the repairs are not completed to the satisfaction of the consumer and the vehicle remains at the shop while our office mediates to try to resolve the concerns. In other cases, the shop asserts that the individual was notified to pick up their vehicle and the consumer advises that they have not received any information from the shop that their vehicle has been completed and the consumer is now facing excessive storage charges. In still other cases, the vehicle remains at the shop for an extended period during which the consumer asserts permission was granted, and the shop disputes this and asserts that no permission was granted to leave the vehicle there. No matter how the problem arises, this could result in the sale of these vehicles at a public auction before the consumer even realizes there is a problem. These shop owners have a right to assert a lien on the property which gives notice to the consumer and is preferable to a sale of the vehicle without the owner's knowledge or permission.

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For these reasons, we ask that the Judicial Proceedings Committee return an unfavorable report on this bill.
cc: The Honorable Jill P. Carter
Members, Judicial Proceedings Committee