

HOUSE BILL 1040

R7

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By: **Delegate Kipke**

Introduced and read first time: February 10, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Abandoned Vehicles**

3 FOR the purpose of adding Anne Arundel County and municipal corporations in the county
4 to the jurisdictions subject to certain provisions of law relating to abandoned
5 vehicles, including provisions governing the time period for reclamation by an owner
6 or secured party, cost recovery by a police department for impoundment, storage,
7 and sale of abandoned and certain other vehicles, failure of the owner or secured
8 party to reclaim an abandoned vehicle within the required time period, and
9 registration renewal; and generally relating to abandoned vehicles in Anne Arundel
10 County.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 25–201(a)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 25–201(e), 25–204, 25–206, 25–206.1, and 25–206.2
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2022 Supplement)

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

23 **Article – Transportation**

24 25–201.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Police department" means:

2 (1) The Department of State Police;

3 (2) The police department of any political subdivision of this State;

4 (3) In Baltimore City, the appropriate agency designated by the Board of
5 Estimates;

6 (4) The police forces of public colleges and universities;

7 (5) In Prince George's County, an appropriate agency or department
8 designated by the County Executive;

9 (6) In any municipality in Prince George's County, **ANNE ARUNDEL**
10 **COUNTY**, or Montgomery County, an appropriate agency or department designated by the
11 governing body of the municipality; and

12 (7) The police force of any State government agency.

13 25–204.

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

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

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

19 (b) The notice shall:

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

21 (2) Describe the year, make, model, and vehicle identification number of
22 the vehicle;

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

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

28 (ii) In Baltimore City, **ANNE ARUNDEL COUNTY**, and Montgomery
29 County, be sent by certified mail, return receipt requested, and inform the owner and

1 secured party of the owner's and secured party's right to reclaim the vehicle within 11
2 working days after the receipt of the notice, on payment of all towing, preservation, and
3 storage charges resulting from taking or placing the vehicle in custody; and

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

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

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

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

11 (c) In Baltimore City, Prince George's County, **ANNE ARUNDEL COUNTY**, and
12 Montgomery County, a police department or its agent may seek to recover costs of
13 impoundment, storage, and sale of a vehicle as provided by §§ 25–206.1 and 25–206.2 of
14 this subtitle. If a police department or its agent seeks to apply the provisions of §§ 25–206.1
15 and 25–206.2 of this subtitle, the notice required by this section shall also state that the
16 failure of the owner or secured party to exercise the right to reclaim the vehicle in the time
17 provided may cause:

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

19 (i) Impoundment;

20 (ii) Storage within the chargeable limit for storage as provided in §
21 25–206.1(b) of this subtitle; and

22 (iii) Sale of the vehicle; and

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

25 25–206.

26 (a) If the owner or secured party fails to reclaim an abandoned vehicle within 3
27 weeks after notice is given under this subtitle, the owner or secured party is deemed to
28 have waived all of the owner's or secured party's right, title, and interest in the vehicle and
29 to have consented to the sale of the vehicle at public auction, and the owner other than a
30 lessor is deemed to have consented to the retention of the vehicle for public purposes as
31 provided in § 25–207 of this subtitle.

32 (b) In Baltimore City, **ANNE ARUNDEL COUNTY**, and Montgomery County, if
33 the owner or secured party fails to reclaim an abandoned vehicle within 11 working days
34 after receipt of notice given under § 25–204(b)(4)(ii) of this subtitle, the owner or secured

1 party is deemed to have waived all of the owner's or secured party's right, title, and interest
2 in the vehicle and to have consented to the sale of the vehicle at public auction, and the
3 owner other than a lessor is deemed to have consented to the retention of the vehicle for
4 public purposes as provided in § 25–207 of this subtitle.

5 25–206.1.

6 (a) This section applies to any vehicle sold by a police department of Baltimore
7 City, Prince George's County, **ANNE ARUNDEL COUNTY**, Montgomery County, or a
8 municipal corporation in Prince George's County, **ANNE ARUNDEL COUNTY**, or
9 Montgomery County under this subtitle as an abandoned vehicle, and to any vehicle sold
10 pursuant to an ordinance of the Mayor and City Council of Baltimore, an ordinance or local
11 law enacted by Prince George's County, **ANNE ARUNDEL COUNTY**, or Montgomery
12 County, or an ordinance enacted by a municipal corporation in Prince George's County,
13 **ANNE ARUNDEL COUNTY**, or Montgomery County governing vehicles that are:

14 (1) Abandoned and unclaimed;

15 (2) Reported stolen, recovered, and subsequently unclaimed; or

16 (3) Involved in an accident, removed by police, and subsequently
17 unclaimed.

18 (b) If the money collected from the sale of a vehicle subject to this section is not
19 enough to reimburse a police department or its agent for the costs of towing, preserving,
20 and storing the vehicle and for the expenses of sale, including all publication and notice
21 costs, the last registered owner shall be liable to the police department or its agent for the
22 deficiency. For purposes of this subsection, the costs chargeable to an owner for the
23 preservation and storage of a vehicle may not exceed \$300.

24 (c) If a vehicle subject to this section is transferred by the registered owner after
25 it has been towed or impounded and before its sale at auction, and the transferee is given
26 a copy of the notice required under § 25–204 of this subtitle, by the transferor or by the
27 towing or impounding agency, then the transferee shall be liable for the costs provided by
28 this section.

29 (d) The liability provided by this section does not apply to the registered owner of
30 a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its
31 being towed or impounded. The registered owner has the burden of showing that a bona
32 fide sale or gift of the vehicle has occurred.

33 (e) The liability provided by this section does not apply in any case in which notice
34 as required by § 25–204(c) of this subtitle has not been provided.

35 25–206.2.

1 (a) The Administration may not renew the registration of any vehicle subject to
2 this section if it is notified by a police department of Baltimore City, Prince George's
3 County, ANNE ARUNDEL COUNTY, Montgomery County, or a municipal corporation in
4 Prince George's County, ANNE ARUNDEL COUNTY, or Montgomery County that the
5 applicant has failed to satisfy a liability arising under § 25–206.1 of this subtitle to the
6 police department or its agent.

7 (b) (1) The restriction provided by this section shall apply to all vehicles
8 registered to the applicant at the time that notification is made by a police department as
9 provided in subsection (a) of this section.

10 (2) The restriction provided by this section may not apply solely to those
11 vehicles provided for under § 25–206.1 of this subtitle.

12 (c) The Administration shall continue to refuse an application as required by
13 subsection (a) of this section until it is notified by the police department that the applicant
14 is no longer subject to the restriction imposed by this section.

15 (d) The penalty provided in this section does not apply to the registered owner of
16 a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its
17 being towed or impounded. The registered owner has the burden of showing that a bona
18 fide sale or gift of the vehicle has occurred.

19 (e) The penalty provided by this section does not apply in any case in which notice
20 as required by § 25–204(c) of this subtitle has not been provided.

21 (f) The Administration shall adopt procedures by which a police department shall
22 notify it of any restriction or rescission of a restriction under this section on a person's
23 ability to register or transfer the registration of a vehicle.

24 (g) The restrictions and procedures provided by this section are in addition to any
25 other penalty provided by law for the abandonment of, or failure to reclaim impounded
26 vehicles.

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