R4 1lr2651

By: Delegate Amprey

Introduced and read first time: February 8, 2021 Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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Vehicle Laws - Towing Charges and Abandoned Vehicles

3 FOR the purpose of applying certain provisions regulating the towing or removal of vehicles 4 from parking lots to the towing and removal of vehicles from public rights of way; 5 altering the total amount that a person who tows or removes a vehicle may charge; 6 authorizing certain persons to sell at public auction an abandoned vehicle that is not 7 reclaimed in a certain manner and for which a certain certificate is issued; requiring 8 the seller of certain abandoned vehicles to reimburse themselves for certain costs 9 and dispose of the proceeds of the sale in a certain manner; authorizing certain persons to apply to a certain law enforcement agency for authority to sell certain 10 11 abandoned vehicles at public auction; requiring, under certain circumstances, 12 certain law enforcement agencies to give certain applicants a certificate of authority 13 to sell certain abandoned vehicles at public auction; and generally related to towing services and the sale of certain abandoned vehicles. 14

- 15 BY repealing and reenacting, with amendments,
- 16 Article Transportation
- 17 Section 21–10A–04, 25–207, and 25–209
- 18 Annotated Code of Maryland
- 19 (2020 Replacement Volume)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 21 That the Laws of Maryland read as follows:

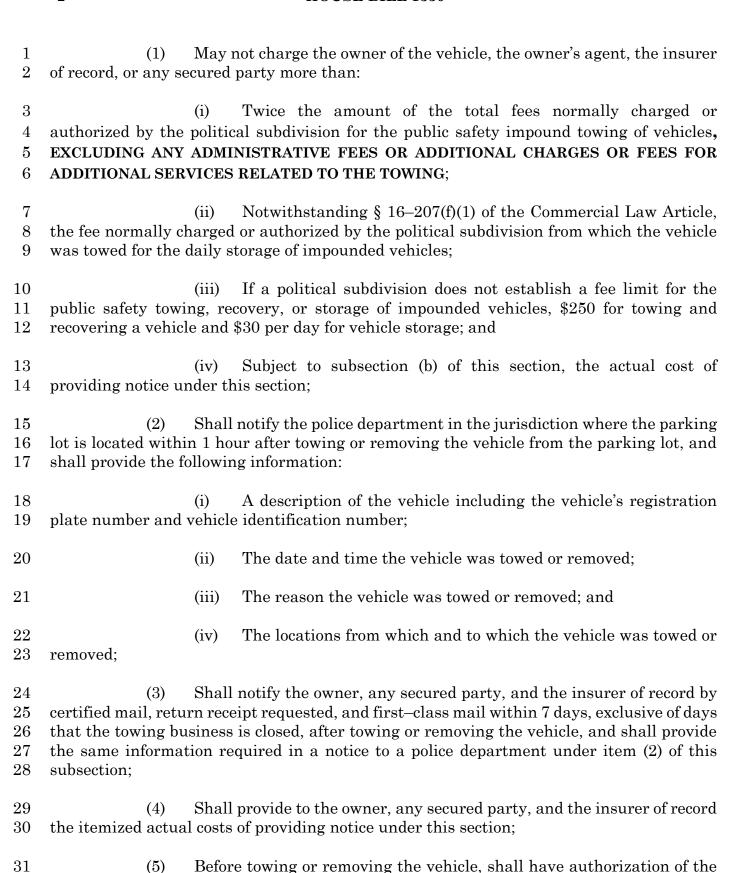
22 Article – Transportation

- 23 21-10A-04.
- 24 (a) Unless otherwise set by local law, a person who undertakes the towing or removal of a vehicle from a parking lot **OR PUBLIC RIGHT-OF-WAY**:

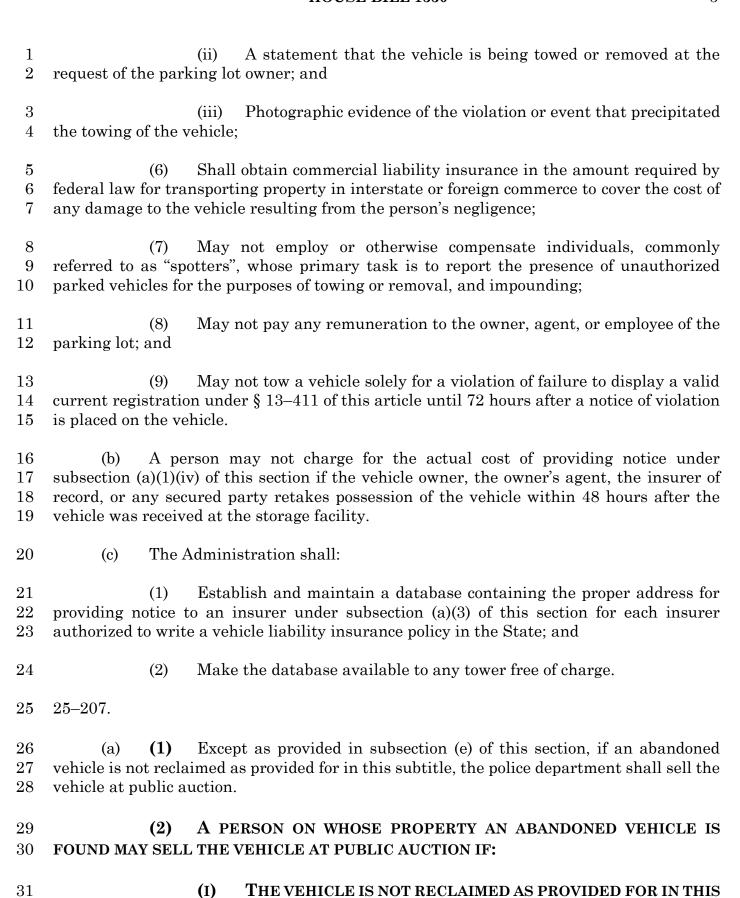


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parking lot owner which shall include:



(i) The name of the person authorizing the tow or removal;



SUBTITLE; AND

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1 (II) A CERTIFICATE OF AUTHORITY IS ISSUED FOR THE VEHICLE 2 UNDER § 25–209 OF THIS SUBTITLE. 3 (b) The buyer of the vehicle at auction: 4 Takes ownership of the vehicle free and clear of any claim of ownership or lien of any other person; 5 6 (2)Is entitled to a sales receipt, on a form that is approved by the 7 Administration, from the police department; 8 (3)Is entitled to obtain a salvage certificate for the vehicle; and 9 **(4)** May obtain a certificate of title under § 13–507 of this article. 10 The sales receipt, on a form that is approved by the Administration, is 11 sufficient title for transferring the vehicle to an automotive dismantler and recycler or scrap 12 processor for dismantling, destroying, or scrapping, in which case, a certificate of title is 13 not required. 14 (d) Except as otherwise provided in this subtitle: 15 (1)From the proceeds of the sale of an abandoned vehicle, the police 16 department SELLER shall reimburse itself for the costs of towing, preserving, and storing 17 the vehicle and the expenses of the auction, including all notice and publication costs incurred under this subtitle; and 18 19 Any remaining proceeds of the sale shall be held for 90 days for the 20 owner of the vehicle and any entitled secured party, after which the remaining proceeds 21revert to: 22The treasury of the county in which the sale was made; or (i) 23 In the case of a municipality that conducts the sale, the treasury (ii) 24of the municipality. 25After satisfying the requirements for obtaining a certificate of title for (e) 26 an abandoned vehicle under § 25–207.1 of this subtitle, a police department may retain and

use the vehicle for public purposes without any further notice or consent of the owner other

shown on the records of the Administration, the police department may not retain the

vehicle for public purposes without the written consent of the secured party.

If there is a secured party with an interest in the vehicle as

than a lessor as provided in paragraph (2) of this subsection.

(2)

- 1 (ii) If the vehicle is owned by a lessor under a lease not intended as security, the police department may not retain the vehicle for public purposes without the written consent of the lessor.
- 4 (f) A vehicle retained for public purposes under subsection (e) of this section:
- 5 (1) May be dismantled or disassembled for the purpose of using its 6 component parts; and
- 7 (2) When no longer usable for public purposes, may at the discretion of the 8 police department, without further notice, be sold at public auction as provided in this 9 subtitle or transferred by the police department to a scrap processor licensed under § 10 15–502 of this article.
- 11 25–209.

- 12 (a) A person who owns a vehicle, on whose property is found an abandoned 13 vehicle, or who has lawful, documented possession of a vehicle for which the certificate of 14 title is defective, lost, or destroyed, may apply to a law enforcement agency for the 15 jurisdiction in which the vehicle is located for authority to [transfer]:
- 16 **(1) TRANSFER** the vehicle to an automotive dismantler and recycler or scrap processor; **OR**
- 18 (2) IN THE CASE OF AN ABANDONED VEHICLE, SELL THE VEHICLE AT PUBLIC AUCTION IN ACCORDANCE WITH § 25–207 OF THIS SUBTITLE.
- 20 (b) The application shall be made under penalty of perjury and shall include:
- 21 (1) The name and address of the applicant;
- 22 (2) The year, make, model, and vehicle identification number of the vehicle, 23 if ascertainable, and any other identifying features of the vehicle;
- 24 (3) A concise statement of the facts about the abandonment of the vehicle 25 or the loss, destruction, or defect of the certificate of title of the vehicle; and
- 26 (4) An affidavit stating that the facts alleged in the application are true 27 and that no material fact has been withheld.
- 28 (c) If a law enforcement agency finds that the application is executed in proper form and shows either that the vehicle has been abandoned on the property of the applicant or, if the vehicle is not abandoned, that the applicant appears to be the rightful owner, the law enforcement agency may:
 - (i) If the applicant appears to be the rightful owner, approve the

1 request on verification of the information in the application; or

- 2 (ii) If the application is made by a person other than the rightful 3 owner, follow the notification procedures of §§ 25–204 and 25–205 of this subtitle.
- 4 (c-1) If the applicant submits with the application documentary proof that the notification procedures of §§ 25–204 and 25–205 of this subtitle already have been complied with, the law enforcement agency shall accept the document as proof of compliance and the agency is not required to provide this notification.
- 8 (d) (1) If an abandoned vehicle is not reclaimed in the time required by this 9 subtitle or notice has already been provided to the owner and any secured party, the law 10 enforcement agency shall give the applicant a certificate of authority to [transfer]:
- 11 **(I) TRANSFER** the vehicle to:
- 12 [(i)] 1. Any automotive dismantler and recycler for:
- 13 [1.] **A.** Dismantling, destroying, or scrapping; or
- 14 [2.] B. Salvaging as authorized under § 13–506 of this
- 15 article; or
- 16 [(ii)] 2. Any scrap processor for dismantling, destroying, or 17 scrapping; OR
- 18 (II) SELL THE VEHICLE AT PUBLIC AUCTION IN ACCORDANCE 19 WITH § 25–207 OF THIS SUBTITLE.
- 20 (2) The automotive dismantler and recycler or scrap processor shall accept the certificate of authority instead of the certificate of title of the vehicle.
- 22 (3) The automotive dismantler and recycler may apply for a salvage 23 certificate as provided in \S 13–506 of this article.
- 24 (e) A person may not knowingly make a false statement on an application for a 25 certificate of authority under this section.
- 26 (f) A person who violates subsection (e) 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.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 30 October 1, 2021.