

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 702 (Washington County Delegation)
Environment and Transportation

Washington County - Abandoned Vehicles - Regulation by Local Authority

This bill clarifies that a local authority in Washington County may exercise regulatory power over abandoned vehicles on a highway under the local authority's jurisdiction.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Washington County finances or operations.

Small Business Effect: None.

Analysis

Current Law:

Abandoned Vehicles

An “abandoned vehicle” is defined, among other things, as any motor vehicle, trailer, or semitrailer that is inoperable and left unattended on public property for more than 48 hours or that has remained illegally on public property for more than 48 hours. In addition, the definition includes a vehicle that has been left unattended on any portion of a controlled access highway for more than 24 hours.

A person may not abandon a vehicle on any public property. The last known registered owner of an abandoned vehicle is considered to be the *prima facie* owner of the vehicle at

the time of abandonment as well as the person who abandoned it. A police department is authorized to take any abandoned vehicle into custody using its own personnel, equipment, and facilities. In addition, subject to specified requirements, a police department may use other persons, equipment, and facilities for removing, preserving, and storing abandoned vehicles.

Required Notice

As soon as reasonably possible – but no more than seven days after it takes an abandoned vehicle into custody – a police department must send a notice by certified U.S. mail with a return receipt requested to (1) the last known registered owner of the vehicle and (2) each secured party, as shown on Motor Vehicle Administration records.

The notice must include specified information, including information about the vehicle and the location of the facility where the vehicle is held. In general, a vehicle may be reclaimed within three weeks after the date of the notice, after payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody. (In Baltimore City and Montgomery County, the vehicle must be reclaimed within 11 working days after receipt of the notice and payment of any applicable charges.) Failure to reclaim the vehicle within the appropriate time period is considered (1) a waiver of the owner's or secured party's right, title, and interest in the vehicle; (2) a consent to the sale of the vehicle at public auction; and (3) a consent by the owner (other than a lessor) to the retention of the vehicle for public purposes as specified in the Transportation Article.

In Baltimore City and Prince George's and Montgomery counties, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle, as specified in the Transportation Article. If a police department or its agent seeks to exercise this option, the required notice must include additional information specifying the consequences of failing to reclaim the vehicle within the specified time period.

Additional Information

Prior Introductions: None.

Cross File: SB 501 (Washington County Senators) - Judicial Proceedings.

Information Source(s): Washington County; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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md/ljm

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