

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 262

(Delegate Foley)

Environment and Transportation

Judicial Proceedings

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**Abandoned Vehicles - Secured Parties - Electronic Notification**

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This bill authorizes a police department that takes an abandoned vehicle into custody to notify any secured party electronically, if that form of notice is agreed to by the police department, the tower, and the secured party in writing (or by electronic communication). The bill also makes conforming changes.

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**Fiscal Summary**

**State Effect:** The bill does not materially affect State finances or operations although efficiencies and minimal cost savings may be realized.

**Local Effect:** The bill does not materially affect local government finances or operations although efficiencies and minimal cost savings may be realized.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** An “abandoned vehicle” is defined as a motor vehicle, trailer, or semitrailer that:

- is inoperable and left unattended for 48 hours on public property;
- remains illegally on public property for 48 hours;
- is on private property without consent for 48 hours;
- has remained in a garage for more than 10 days after the garage keeper has given the vehicle owner notice to remove the vehicle, or beyond the time when, by contract, the vehicle was to remain in the garage;

- is left for more than 10 days in a garage by someone other than the registered owner or left by a person only authorized to have possession of the vehicle under a contract;
- has remained on public property for 48 hours and has invalid or incorrect registration plates;
- has been left unattended for 24 hours on a controlled access highway;
- has been left unattended on a highway and does not display appropriate warning devices; or
- is not reclaimed from impoundment under specific court order.

#### *Notice by Police to Last Known Registered Owner and Secured Parties*

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.

In Baltimore City, 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.

Under certain circumstances (*i.e.*, the identity of the last registered owner cannot be determined, the vehicle registration gives no address, it is impossible to determine the identity and address of each secured party, or the required certified mail notice is returned as undeliverable), a police department that takes an abandoned vehicle into custody must post a notice in the circuit court of the county where the abandoned vehicle was found. Among other requirements, any such notice must be posted within 15 days of taking the vehicle into custody or (if applicable) within seven days of the return of an undeliverable certified mail notice.

#### *Failure to Reclaim Vehicle*

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.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Prince George's County; Department of State Police; Maryland Department of Transportation; Maryland Insurance Administration; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2023  
km/ljm Third Reader - March 3, 2023

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