

HB0972/373727/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 972

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike “regulate the operation of off-highway recreational vehicles within its jurisdiction,”; in line 13, strike the comma; in line 15, strike “that are suspected of being involved in a violation of” and substitute “for which the driver is issued a citation for a moving violation under”; and in line 16, after “Law;” insert “establishing certain procedures for the reclamation and forfeiture of impounded off-highway recreational vehicles;”.

AMENDMENT NO. 2

On page 11, in line 4, before “A” insert “(A)”; strike beginning with “REGULATE” in line 5 down through “(2)” in line 7; in line 10, strike “(3)” and substitute “(2)”; in line 12, strike “THAT IS SUSPECTED OF BEING INVOLVED IN A” and substitute “FOR WHICH THE DRIVER IS ISSUED A CITATION FOR A MOVING”; in line 13, strike “OF” and substitute “UNDER”; in the same line, after “LAW” insert “INVOLVING THE USE OF THE OFF-HIGHWAY RECREATIONAL VEHICLE”; and after line 15, insert:

“(B) (1) (i) AS SOON AS REASONABLY POSSIBLE AND WITHIN 7 DAYS AFTER TAKING AN OFF-HIGHWAY RECREATIONAL VEHICLE INTO CUSTODY, A POLICE DEPARTMENT SHALL SEND A NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST INDIVIDUAL TO WHOM THE OFF-HIGHWAY RECREATIONAL VEHICLE WAS TITLED BY THE ADMINISTRATION.

“(ii) THE OWNER MAY RECLAIM THE OFF-HIGHWAY RECREATIONAL VEHICLE WITHIN 3 WEEKS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING AND REMOVAL, PRESERVATION, AND STORAGE CHARGES RESULTING FROM TAKING THE OFF-HIGHWAY RECREATIONAL VEHICLE INTO CUSTODY.

**(2) THE NOTICE SHALL:**

**(I) STATE THAT THE OFF-HIGHWAY RECREATIONAL VEHICLE HAS BEEN TAKEN INTO CUSTODY;**

**(II) DESCRIBE ANY IDENTIFYING INFORMATION FOR THE OFF-HIGHWAY RECREATIONAL VEHICLE;**

**(III) GIVE THE LOCATION OF THE FACILITY WHERE THE OFF-HIGHWAY RECREATIONAL VEHICLE IS HELD;**

**(IV) INFORM THE OWNER OF THE OWNER'S RIGHT TO RECLAIM THE OFF-HIGHWAY RECREATIONAL VEHICLE WITHIN 3 WEEKS AFTER THE DATE OF THE NOTICE, ON PAYMENT OF ALL TOWING AND REMOVAL, PRESERVATION, AND STORAGE CHARGES RESULTING FROM TAKING THE OFF-HIGHWAY RECREATIONAL VEHICLE INTO CUSTODY; AND**

**(V) STATE THAT THE FAILURE OF THE OWNER TO EXERCISE THIS RIGHT IN THE TIME PROVIDED IS:**

**1. A WAIVER BY THE OWNER OF ALL OF THE OWNER'S RIGHT, TITLE, AND INTEREST IN THE OFF-HIGHWAY RECREATIONAL VEHICLE;**

**2. A CONSENT TO THE SALE OR DISPOSAL OF THE OFF-HIGHWAY RECREATIONAL VEHICLE IN THE DISCRETION OF THE POLICE DEPARTMENT; AND**

**3. A CONSENT TO THE RETENTION OF THE OFF-HIGHWAY RECREATIONAL VEHICLE FOR PUBLIC PURPOSES.**

**(3) IF THE OWNER FAILS TO RECLAIM THE OFF-HIGHWAY RECREATIONAL VEHICLE WITHIN 3 WEEKS AFTER NOTICE IS GIVEN UNDER THIS SECTION, OR IF THE OWNER'S IDENTITY IS UNKNOWN, THE OWNER IS DEEMED TO HAVE WAIVED ALL OF THE OWNER'S RIGHT, TITLE, AND INTEREST IN THE OFF-**

HIGHWAY RECREATIONAL VEHICLE AND TO HAVE CONSENTED TO THE SALE OR DISPOSAL OF THE OFF-HIGHWAY RECREATIONAL VEHICLE OR TO THE RETENTION OF THE OFF-HIGHWAY RECREATIONAL VEHICLE FOR PUBLIC PURPOSES.

(4) IF AN OFF-HIGHWAY RECREATIONAL VEHICLE IS NOT RECLAIMED AS PROVIDED FOR IN THIS SECTION, OR IF THE OWNER'S IDENTITY IS UNKNOWN, THE POLICE DEPARTMENT MAY:

(I) SELL THE OFF-HIGHWAY RECREATIONAL VEHICLE AT PUBLIC AUCTION;

(II) RETAIN THE OFF-HIGHWAY RECREATIONAL VEHICLE FOR PUBLIC PURPOSES; OR

(III) OTHERWISE DISPOSE OF THE OFF-HIGHWAY RECREATIONAL VEHICLE IN ITS DISCRETION.

(5) (I) THE BUYER OF AN OFF-HIGHWAY RECREATIONAL VEHICLE AT AUCTION:

1. TAKES OWNERSHIP OF THE OFF-HIGHWAY RECREATIONAL VEHICLE FREE AND CLEAR OF ANY CLAIM OF OWNERSHIP OR LIEN OF ANY OTHER PERSON;

2. IS ENTITLED TO A SALES RECEIPT, ON A FORM THAT IS APPROVED BY THE ADMINISTRATION, FROM THE POLICE DEPARTMENT;

3. IS ENTITLED TO OBTAIN A SALVAGE CERTIFICATE FOR THE VEHICLE; AND

4. MAY OBTAIN A CERTIFICATE OF TITLE UNDER § 13-507 OF THIS ARTICLE.

(II) THE SALES RECEIPT IS SUFFICIENT TITLE FOR TRANSFERRING THE OFF-HIGHWAY RECREATIONAL VEHICLE TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR FOR DISMANTLING, DESTROYING, OR SCRAPPING, WITHOUT OBTAINING A CERTIFICATE OF TITLE ISSUED BY THE ADMINISTRATION.”.