

Testimony_SB0648 (2).pdf

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB0648 - Vehicle Laws - Disposal of Abandoned
Vehicles - Public Auction
Before the Judicial Proceedings Committee
on February 16, 2021**

Mr. Chairman, Vice chair, and Members of the Committee:

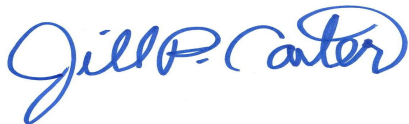
Currently, Maryland Law only allows police agencies to sell an abandoned vehicle at public auction. This bill would afford authorized sellers (including “trespass towers” and property owners in possession of abandoned vehicles) the same options. As the law stands now, trespass towers are only permitted to sell vehicles for scrap - substantially less than they could recoup if they were permitted to sell the vehicle intact. This would not be a large windfall for trespass towers as existing regulations would apply to sellers for how the proceeds of sales are to be distributed.

This bill would not remove current statutory requirements for sellers. Law enforcement would continue to review and verify applicant requests prior to certification for sale. All these safeguards would remain in place.

These small businesses currently bear the costs of the storage, towing, notification of the owners, insurance companies and potential lien holders entirely themselves. By allowing these businesses to sell abandoned vehicles at auction, it gives them more options to recoup their out of pocket costs and reduce fees for the average consumer.

For these reasons, I ask for a favorable report on SB 684 from this committee.

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large, looping initial "J".

Jill P. Carter

SB 648 Opposition Letter.pdf

Uploaded by: Straughn, Karen

Position: UNF

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February 16, 2021

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: Senate Bill 648 – Vehicle Laws – Disposal of Abandoned Vehicles – Public Auction (OPPOSE)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in opposition to Senate Bill 648 submitted by Senator Jill P. Carter. The bill permits an individual to sell a vehicle at public auction if it is abandoned on their property. Current law requires that an abandoned vehicle be provided to law enforcement for auction or disposal, which provides some protection against a vehicle being improperly disposed of by the individual claiming the vehicle is abandoned.

Under the Transportation Article, an abandoned vehicle includes, among other things, a vehicle that remains in a garage or an establishment for the servicing, repair or maintenance of vehicles for more than 10 days after the vehicle was to remain there by contract. Accordingly, if this bill were passed, a repair facility would be able to sell a vehicle at public auction if it remained at their shop for more than 10 days after the shop finished repairs.

The Consumer Protection Division often receives complaints concerning vehicles in a shop for repairs. In some cases, the repairs are not completed to the satisfaction of the consumer and the vehicle remains at the shop while our office mediates to try to resolve the concerns. In other cases, the shop asserts that the individual was notified to pick up their vehicle and the consumer advises that they have not received any information from the shop that their vehicle has been completed and the consumer is now facing excessive storage charges. In still other cases, the vehicle remains at the shop for an extended period during which the consumer asserts permission was granted, and the shop disputes this and asserts that no permission was granted to leave the vehicle there. No matter how the problem arises, this could result in the sale of these vehicles at a public auction before the consumer even realizes there is a problem. These shop owners have a right to assert a lien on the property which gives notice to the consumer and is preferable to a sale of the vehicle without the owner's knowledge or permission.

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For these reasons, we ask that the Judicial Proceedings Committee return an unfavorable report on this bill.

cc: The Honorable Jill P. Carter
Members, Judicial Proceedings Committee