

SENATE BILL 184

R7

4lr1151

(PRE-FILED)

By: **Senator Klausmeier**

Requested: October 25, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Abandoned Vehicles**

3 FOR the purpose of adding Baltimore County and municipal corporations in the county to
4 the jurisdictions subject to certain provisions of law relating to abandoned vehicles,
5 including provisions governing the time period for reclamation by an owner or a
6 secured party, cost recovery by a police department for impoundment, storage, and
7 sale of abandoned and certain other vehicles, failure of the owner or secured party
8 to reclaim an abandoned vehicle within the required time period, and registration
9 renewal; and generally relating to abandoned vehicles in Baltimore County.

10 BY repealing and reenacting, without amendments,
11 Article – Transportation
12 Section 25–201(a)
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 25–201(e), 25–204, 25–206, 25–206.1, and 25–206.2
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2023 Supplement)

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 25–201.

24 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Police department" means:

2 (1) The Department of State Police;

3 (2) The police department of any political subdivision of this State;

4 (3) In Baltimore City, the appropriate agency designated by the Board of
5 Estimates;

6 (4) The police forces of public colleges and universities;

7 (5) In Prince George's County, an appropriate agency or department
8 designated by the County Executive;

9 (6) In any municipality in Prince George's County, **BALTIMORE COUNTY**,
10 or Montgomery County, an appropriate agency or department designated by the governing
11 body of the municipality; and

12 (7) The police force of any State government agency.

13 25–204.

14 (a) (1) As soon as reasonably possible and within 7 days at most after it takes
15 an abandoned vehicle into custody, a police department shall send a notice, by certified
16 mail, return receipt requested, bearing a postmark from the United States Postal Service,
17 to:

18 (i) The last known registered owner of the vehicle; and

19 (ii) Subject to paragraph (2) of this subsection, each secured party,
20 as shown on the records of the Administration.

21 (2) A police department may send notice to any secured party
22 electronically, if that form of notice is agreed to by the police department, the tower, and
23 the secured party in writing or by electronic communication.

24 (b) The notice shall:

25 (1) State that the abandoned vehicle has been taken into custody;

26 (2) Describe the year, make, model, and vehicle identification number of
27 the vehicle;

28 (3) Give the location of the facility where the vehicle is held;

1 (4) (i) Inform the owner and secured party of the owner's and secured
2 party's right to reclaim the vehicle within 3 weeks after the date of the notice, on payment
3 of all towing, preservation, and storage charges resulting from taking or placing the vehicle
4 in custody; or

5 (ii) In Baltimore City, **BALTIMORE COUNTY**, and Montgomery
6 County, subject to subsection (a)(2) of this section, be sent by certified mail, return receipt
7 requested, and inform the owner and secured party of the owner's and secured party's right
8 to reclaim the vehicle within 11 working days after the receipt of the notice, on payment of
9 all towing, preservation, and storage charges resulting from taking or placing the vehicle
10 in custody; and

11 (5) State that the failure of the owner or secured party to exercise this right
12 in the time provided is:

13 (i) A waiver by the owner or secured party of all of the owner's or
14 secured party's right, title, and interest in the vehicle;

15 (ii) A consent to the sale of the vehicle at public auction; and

16 (iii) A consent by the owner other than a lessor to the retention of the
17 vehicle for public purposes as provided in § 25–207 of this subtitle.

18 (c) In Baltimore City, Prince George's County, **BALTIMORE COUNTY**, and
19 Montgomery County, a police department or its agent may seek to recover costs of
20 impoundment, storage, and sale of a vehicle as provided by §§ 25–206.1 and 25–206.2 of
21 this subtitle. If a police department or its agent seeks to apply the provisions of §§ 25–206.1
22 and 25–206.2 of this subtitle, the notice required by this section shall also state that the
23 failure of the owner or secured party to exercise the right to reclaim the vehicle in the time
24 provided may cause:

25 (1) Continuing liability of the owner for costs of:

26 (i) Impoundment;

27 (ii) Storage within the chargeable limit for storage as provided in §
28 25–206.1(b) of this subtitle; and

29 (iii) Sale of the vehicle; and

30 (2) Denial of any application by the owner to renew the registration of any
31 vehicle as required by § 25–206.2 of this subtitle.

32 25–206.

33 (a) If the owner or secured party fails to reclaim an abandoned vehicle within 3
34 weeks after notice is given under this subtitle, the owner or secured party is deemed to

1 have waived all of the owner's or secured party's right, title, and interest in the vehicle and
2 to have consented to the sale of the vehicle at public auction, and the owner other than a
3 lessor is deemed to have consented to the retention of the vehicle for public purposes as
4 provided in § 25–207 of this subtitle.

5 (b) In Baltimore City, **BALTIMORE COUNTY**, and Montgomery County, if the
6 owner or secured party fails to reclaim an abandoned vehicle within 11 working days after
7 receipt of notice given under § 25–204(b)(4)(ii) of this subtitle, the owner or secured party
8 is deemed to have waived all of the owner's or secured party's right, title, and interest in
9 the vehicle and to have consented to the sale of the vehicle at public auction, and the owner
10 other than a lessor is deemed to have consented to the retention of the vehicle for public
11 purposes as provided in § 25–207 of this subtitle.

12 25–206.1.

13 (a) This section applies to any vehicle sold by a police department of Baltimore
14 City, Prince George's County, **BALTIMORE COUNTY**, Montgomery County, or a municipal
15 corporation in Prince George's County, **BALTIMORE COUNTY**, or Montgomery County
16 under this subtitle as an abandoned vehicle, and to any vehicle sold pursuant to an
17 ordinance of the Mayor and City Council of Baltimore, an ordinance or local law enacted by
18 Prince George's County, **BALTIMORE COUNTY**, or Montgomery County, or an ordinance
19 enacted by a municipal corporation in Prince George's County, **BALTIMORE COUNTY**, or
20 Montgomery County governing vehicles that are:

21 (1) Abandoned and unclaimed;

22 (2) Reported stolen, recovered, and subsequently unclaimed; or

23 (3) Involved in an accident, removed by police, and subsequently
24 unclaimed.

25 (b) If the money collected from the sale of a vehicle subject to this section is not
26 enough to reimburse a police department or its agent for the costs of towing, preserving,
27 and storing the vehicle and for the expenses of sale, including all publication and notice
28 costs, the last registered owner shall be liable to the police department or its agent for the
29 deficiency. For purposes of this subsection, the costs chargeable to an owner for the
30 preservation and storage of a vehicle may not exceed \$300.

31 (c) If a vehicle subject to this section is transferred by the registered owner after
32 it has been towed or impounded and before its sale at auction, and the transferee is given
33 a copy of the notice required under § 25–204 of this subtitle, by the transferor or by the
34 towing or impounding agency, then the transferee shall be liable for the costs provided by
35 this section.

36 (d) The liability provided by this section does not apply to the registered owner of
37 a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its

1 being towed or impounded. The registered owner has the burden of showing that a bona
2 fide sale or gift of the vehicle has occurred.

3 (e) The liability provided by this section does not apply in any case in which notice
4 as required by § 25–204(c) of this subtitle has not been provided.

5 25–206.2.

6 (a) The Administration may not renew the registration of any vehicle subject to
7 this section if it is notified by a police department of Baltimore City, Prince George’s
8 County, **BALTIMORE COUNTY**, Montgomery County, or a municipal corporation in Prince
9 George’s County, **BALTIMORE COUNTY**, or Montgomery County that the applicant has
10 failed to satisfy a liability arising under § 25–206.1 of this subtitle to the police department
11 or its agent.

12 (b) (1) The restriction provided by this section shall apply to all vehicles
13 registered to the applicant at the time that notification is made by a police department as
14 provided in subsection (a) of this section.

15 (2) The restriction provided by this section may not apply solely to those
16 vehicles provided for under § 25–206.1 of this subtitle.

17 (c) The Administration shall continue to refuse an application as required by
18 subsection (a) of this section until it is notified by the police department that the applicant
19 is no longer subject to the restriction imposed by this section.

20 (d) The penalty provided in this section does not apply to the registered owner of
21 a vehicle who has made a bona fide sale or gift of the vehicle to another person prior to its
22 being towed or impounded. The registered owner has the burden of showing that a bona
23 fide sale or gift of the vehicle has occurred.

24 (e) The penalty provided by this section does not apply in any case in which notice
25 as required by § 25–204(c) of this subtitle has not been provided.

26 (f) The Administration shall adopt procedures by which a police department shall
27 notify it of any restriction or rescission of a restriction under this section on a person’s
28 ability to register or transfer the registration of a vehicle.

29 (g) The restrictions and procedures provided by this section are in addition to any
30 other penalty provided by law for the abandonment of, or failure to reclaim impounded
31 vehicles.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2024.