

# SENATE BILL 227

R7

3lr1274  
CF 3lr2932

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By: **Anne Arundel County Senators**

Introduced and read first time: January 23, 2023

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 10, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Anne Arundel County – Abandoned Vehicles**

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

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 25–201(a)  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 25–201(e), 25–204, 25–206, 25–206.1, and 25–206.2  
19 Annotated Code of Maryland  
20 (2020 Replacement Volume and 2022 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – Transportation**

25–201.

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

(e) “Police department” means:

(1) The Department of State Police;

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

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

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

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

(6) In any municipality in Prince George’s County, **ANNE ARUNDEL COUNTY**, or Montgomery County, an appropriate agency or department designated by the governing body of the municipality; and

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

25–204.

(a) As soon as reasonably possible and within 7 days at most after it takes an abandoned 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:

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

(2) Each secured party, as shown on the records of the Administration.

(b) The notice shall:

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

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

(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, **ANNE ARUNDEL COUNTY**, and Montgomery  
6 County, be sent by certified mail, return receipt requested, and inform the owner and  
7 secured party of the owner's and secured party's right to reclaim the vehicle within 11  
8 working days after the receipt of the notice, on payment of all towing, preservation, and  
9 storage charges resulting from taking or placing the vehicle in custody; and

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

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

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

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

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

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

25           (i) Impoundment;

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

28           (iii) Sale of the vehicle; and

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

31 25–206.

32           (a) If the owner or secured party fails to reclaim an abandoned vehicle within 3  
33 weeks after notice is given under this subtitle, the owner or secured party is deemed to  
34 have waived all of the owner's or secured party's right, title, and interest in the vehicle and

1 to have consented to the sale of the vehicle at public auction, and the owner other than a  
2 lessor is deemed to have consented to the retention of the vehicle for public purposes as  
3 provided in § 25–207 of this subtitle.

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

11 25–206.1.

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

20 (1) Abandoned and unclaimed;

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

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

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

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

35 (d) The liability provided by this section does not apply to the registered owner of  
36 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, **ANNE ARUNDEL COUNTY**, Montgomery County, or a municipal corporation in  
9 Prince George’s County, **ANNE ARUNDEL COUNTY**, or Montgomery County that the  
10 applicant has failed to satisfy a liability arising under § 25–206.1 of this subtitle to the  
11 police department 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, 2023.