

## *Subchapter 7: Abandoned Motor Vehicles*

### **§ 2151. Abandoned motor vehicles; defined**

(a)(1) For the purposes of this subchapter, an "abandoned motor vehicle" means:

(A) a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or

(B) a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.

(2) For purposes of this subsection, "public vehicle identification number" means the public vehicle identification number which is usually visible through the windshield and attached to the driver's side of the dashboard, instrument panel, or windshield pillar post or on the doorjamb on the driver's side of the vehicle.

(b) Construction equipment. A vehicle or other equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities, which is left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be an abandoned motor vehicle. (Added 2003, No. 101 (Adj. Sess.), § 1.)

### **§ 2152. Authorized removal of abandoned motor vehicles**

(a) Public property. A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property, and may contact a **towing service** for removal of such motor vehicle, based upon personal observation by the officer that the vehicle is abandoned.

(b) Private property.

(1) A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property, and may contact a **towing service** for removal from private property of such vehicle, based upon complaint of the owner or agent of the property on which the vehicle is located that the vehicle is abandoned.

(2) An owner or agent of an owner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property, and may contact a **towing service** for removal from that property of an abandoned vehicle. If an owner or agent of an owner removes or causes removal of an abandoned motor vehicle, the

owner or agent shall immediately notify the police agency in the jurisdiction from which the vehicle is removed. Notification shall include identification of the registration plate number, the public vehicle identification number, make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is abandoned may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a **towing service** under the provisions of this subsection, without incurring any civil liability to the owner of the abandoned vehicle. (Added 2003, No. 101 (Adj. Sess.), § 1.)

### **§ 2153. Abandoned motor vehicle certification**

(a) Within 30 days of removal of the vehicle, a **towing service** which has removed an abandoned motor vehicle shall apply to the Department for an abandoned motor vehicle certification on forms supplied by the Department of Motor Vehicles. An abandoned motor vehicle certification form shall indicate the date of removal, make, color, model, location found, and the name, address, and phone number of the **towing service**, and a certification of the public vehicle identification number, if any, to be recorded by a law enforcement officer.

(b) Upon receipt of an abandoned motor vehicle certification form, the Commissioner of Motor Vehicles shall attempt to identify and notify the owner of the vehicle as required by section 2154 of this title. If no owner can be determined by the Commissioner within the time period allowed by section 2154, the Commissioner shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title, or both, and the vehicle may be disposed of in the manner set forth in section 2156 of this title. (Added 2003, No. 101 (Adj. Sess.), § 1.)

### **§ 2154. Identification and reclamation of abandoned motor vehicles**

(a) The Department of Motor Vehicles shall make a reasonable attempt to locate the owner of an abandoned motor vehicle.

(1) If the abandoned motor vehicle is not identifiable by its registration plates or public vehicle identification number, and if no owner can be determined within 21 days of the date of receipt of the abandoned motor vehicle certification form, the Commissioner of Motor Vehicles shall issue a certificate of abandoned motor vehicle with an appropriate title or salvage title.

(2) If the abandoned motor vehicle is identifiable by its registration plates or public vehicle identification number, the Department of Motor Vehicles shall, within three business days of receipt of the form for certification of abandoned motor vehicle, send notice to the last known registered owner and lienholder of the vehicle. The notice shall be sent by certified mail, return receipt requested, and shall advise the

last known registered owner of the motor vehicle's location and a telephone number where additional information about the motor vehicle may be obtained. If the receipt is not returned to the Department within seven business days, the Commissioner shall, by first class mail, send a second notice. Within 21 days of sending the second notice, the last known registered owner or lienholder may reclaim and retrieve the motor vehicle by presenting to the Department of Motor Vehicles satisfactory evidence of ownership, and paying or arranging to pay any fees or charges authorized by section 2155 of this title. If the last known registered owner or lienholder fails or refuses to reclaim the motor vehicle within 21 days of the second mailing, the Commissioner of Motor Vehicles shall issue a certificate of abandoned motor vehicle with appropriate title or salvage title.

(b) An owner or lienholder may reclaim an abandoned motor vehicle by presenting to the Department of Motor Vehicles satisfactory evidence of ownership, and paying or reimbursing, or making arrangements to pay or reimburse, the towing agency, the Department of Motor Vehicles, or the owner or agent of private property, as the case may be, any towing fee or storage charges permitted under section 2155 of this title. (Added 2003, No. 101 (Adj. Sess.), § 1.)

### **§ 2155. Fees and charges**

(a) Towing fees. For towing an abandoned motor vehicle from private property, a **towing service** may charge a reasonable fee to be paid by the owner or agent of the owner of the private property.

(b) Storage charges. In addition to any towing fee, an owner or lienholder reclaiming an abandoned motor vehicle may be charged and shall pay a fee for the costs of storage of the vehicle, except that no fee may be charged for storage for any period preceding the date upon which the form for abandoned motor vehicle certification is sent by the **towing service** to the Department of Motor Vehicles. (Added 2003, No. 101 (Adj. Sess.), § 1.)

### **§ 2156. Disposal of abandoned motor vehicles**

(a) If the Commissioner issues the certificate of abandoned motor vehicle, title to the motor vehicle shall pass to the holder of the certificate of abandoned motor vehicle, free from all claims of the owner or prior holder of the motor vehicle, and of all persons claiming through or under the owner or prior holder. The Commissioner shall issue an appropriate title or salvage title of the motor vehicle at no charge.

(b) Except for intentionally inflicted damage or gross negligence, neither the State nor any of its agents or employees shall be liable to the owner for any damage to the motor vehicle during the period in which the State retains custody. (Added 2003, No. 101 (Adj. Sess.), § 1.)

**§ 2157. Municipal enforcement**

The provisions of this subchapter shall not preempt any municipal abandoned motor vehicle ordinance. (Added 2003, No. 101 (Adj. Sess.), § 1.)

**§ 2158. Fees for towing; public property; funding**

(a) A **towing service** may charge a fee of up to \$40.00 for towing an abandoned motor vehicle from public property under the provisions of sections 2151-2157 of this title. This fee shall be paid to the **towing service** upon the issuance by the Department of Motor Vehicles of a certificate of abandoned motor vehicles under section 2156 of this title. The Commissioner of Motor Vehicles shall notify the Commissioner of Finance and Management who shall issue payment to the **towing service** for vehicles removed from public property. Payments under this section shall terminate upon the payment of a total of \$16,000.00 for towing abandoned motor vehicles from public property in any fiscal year. A towing company shall not be eligible for more than 50 percent of this annual allocation.

(b) The Commissioner of Motor Vehicles is authorized to expend up to \$16,000.00 of the Department's annual appropriation for the purpose of this section. (Added 2005, No. 175 (Adj. Sess.), § 53.)