

Chapter 518

(House Bill 262)

AN ACT concerning

Abandoned Vehicles – Secured Parties – Electronic Notification

FOR the purpose of authorizing a police department that takes an abandoned vehicle into custody to notify any secured party electronically if that form of notice is agreed to by the police department, the tower, and the secured party in a certain manner; altering the application of a provision of law authorizing a police department to provide certain alternative public notice of custody of an abandoned vehicle to include circumstances where electronic notice is unacknowledged or undeliverable; and generally relating to electronic notification of secured parties by a police department after taking an abandoned vehicle into custody.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 25–204 and 25–205

Annotated Code of Maryland

(2020 Replacement Volume and 2022 Supplement)

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

Article – Transportation

25–204.

(a) **(1)** 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)] (I) The last known registered owner of the vehicle; and

[(2)] (II) **[Each] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
EACH secured party, as shown on the records of the Administration.

(2) A POLICE DEPARTMENT MAY SEND NOTICE TO ANY SECURED PARTY ELECTRONICALLY, IF THAT FORM OF NOTICE IS AGREED TO BY THE POLICE DEPARTMENT, THE TOWER, AND THE SECURED PARTY IN WRITING OR BY ELECTRONIC COMMUNICATION.

(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;
- (4)
 - (i) Inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 3 weeks after the date of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; or
 - (ii) In Baltimore City and Montgomery County, **SUBJECT TO SUBSECTION (A)(2) OF THIS SECTION**, be sent by certified mail, return receipt requested, and inform the owner and secured party of the owner's and secured party's right to reclaim the vehicle within 11 working days after the receipt of the notice, on payment of all towing, preservation, and storage charges resulting from taking or placing the vehicle in custody; and
- (5) State that the failure of the owner or secured party to exercise this right in the time provided is:
 - (i) A waiver by the owner or secured party of all of the owner's or secured party's right, title, and interest in the vehicle;
 - (ii) A consent to the sale of the vehicle at public auction; and
 - (iii) A consent by the owner other than a lessor to the retention of the vehicle for public purposes as provided in § 25–207 of this subtitle.
- (c) In Baltimore City, Prince George's County, and Montgomery County, a police department or its agent may seek to recover costs of impoundment, storage, and sale of a vehicle as provided by §§ 25–206.1 and 25–206.2 of this subtitle. If a police department or its agent seeks to apply the provisions of §§ 25–206.1 and 25–206.2 of this subtitle, the notice required by this section shall also state that the failure of the owner or secured party to exercise the right to reclaim the vehicle in the time provided may cause:
 - (1) Continuing liability of the owner for costs of:
 - (i) Impoundment;
 - (ii) Storage within the chargeable limit for storage as provided in § 25–206.1(b) of this subtitle; and
 - (iii) Sale of the vehicle; and

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

25–205.

(a) This section applies if:

(1) The identity of the last registered owner of an abandoned vehicle cannot be determined;

(2) The registration of the vehicle gives no address for the owner;

(3) It is impossible to determine with reasonable certainty the identity and address of each secured party; [or]

(4) The certified mail notice required by § 25–204 of this subtitle is returned as undeliverable; **OR**

(5) THE ELECTRONIC NOTICE AUTHORIZED UNDER § 25–204 OF THIS SUBTITLE IS NOT ACKNOWLEDGED OR IS RETURNED AS UNDELIVERABLE.

(b) Under one of the conditions described in subsection (a) of this section, a police department that takes an abandoned vehicle into custody shall give the required notice by posting a notice complying with the provisions of subsection (c) of this section in the circuit court of the county where the abandoned vehicle was found.

(c) The notice:

(1) May contain multiple listings of abandoned vehicles;

(2) Shall contain the information required by § 25–204 of this subtitle; and

(3) Shall be posted:

(i) Within 15 days of the taking into custody of the vehicle; or

(ii) If the notice by posting under this section is made because of the return as undeliverable of a prior notice by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, within 7 days of the return of that prior notice.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 8, 2023.