

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1846

H.P. 1230

House of Representatives, April 30, 2025

**An Act to Amend the Law Governing Notification to Vehicle
Owners and Lienholders When a Vehicle Is Towed or Left Without
Permission on Residential or Business Property**

Reference to the Committee on Transportation suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative CLUCHEY of Bowdoinham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §1854**, as amended by PL 2021, c. 515, §1, is further amended
3 to read:

4 **§1854. Notification of vehicle owner**

5 **1. Notification in writing from owner of premises where vehicle located to vehicle**
6 **owner.** ~~Except as provided in subsection 1-A~~ Within 48 hours of the time that a vehicle is
7 taken into custody, the owner of the premises where a the vehicle described in section 1851
8 is located or the owner's agent shall ~~notify the Secretary of State that the owner or the~~
9 ~~owner's agent is in possession of that vehicle. The notification must be in writing and on a~~
10 ~~form provided by the Secretary of State provide written notice by certified mail, return~~
11 ~~receipt requested, to the owner and lienholder, if any, of the vehicle that the owner of the~~
12 ~~premises or the owner's agent is in possession of the vehicle. Notification under this~~
13 ~~subsection is required only to a vehicle owner or a lienholder whose name is on file in the~~
14 ~~office of the Secretary of State. For the purposes of this subsection, "the time that a vehicle~~
15 ~~is taken into custody" means the time that a vehicle is:~~

16 A. Towed as described in section 1851, subsection 1, 2 or 3;

17 B. Left on property without permission as described in section 1851, subsection 4;

18 C. Left at a place of business after being repaired as described in section 1851,
19 subsection 5;

20 D. Left on residential property for more than 6 months as described in section 1851,
21 subsection 6; or

22 E. Left at a storage facility after the owner fails to pay fees as described in section
23 1851, subsection 7.

24 **~~1-A. Notification in writing; auto repair and storage facilities.~~** The owner of the
25 premises where a vehicle described in section 1851, subsection 5 or 7 is stored or the
26 owner's agent shall ~~notify the Secretary of State that the owner or the owner's agent is in~~
27 ~~possession of the vehicle within 14 days after the earliest date on which the vehicle owner~~
28 ~~is responsible for any unpaid charges for authorized repair or for storage and any related~~
29 ~~towing expenses incurred by the owner or the owner's agent. The notification must be in~~
30 ~~writing and on a form provided by the Secretary of State.~~

31 **~~1-B. Notification to lienholder.~~** The owner of the premises where a vehicle described
32 in section 1851, subsection 5 or 7 is stored or the owner's agent shall determine if the title
33 is issued by the Secretary of State under section 657. If the title is issued by the Secretary
34 of State under section 657, the owner of the premises or the owner's agent shall determine
35 if a lienholder is identified on the title of the vehicle. If a lienholder is identified on the title
36 of the vehicle, the owner of the premises or the owner's agent shall notify the lienholder
37 that the owner or the owner's agent is in possession of the vehicle within 14 days after the
38 earliest date on which the lienholder is responsible for any unpaid charges for authorized
39 repair or for storage and any related towing expenses incurred by the owner or the owner's
40 agent.

41 **2. Contents of notification from owner of premises where vehicle located to**
42 **vehicle owner.** A notification under subsection 1 ~~or 1-A~~ must include the vehicle's make,
43 model, year, body type, vehicle identification number and any registration and plates on

1 the vehicle. This notification also must include the date the vehicle came into possession
2 of the owner, the owner's agent or person in charge of the premises where the vehicle is
3 located, under what circumstances the vehicle came into that person's possession, an
4 itemization of all charges due and the condition of the vehicle, including whether the
5 vehicle is salvage. For the purposes of this subsection, the condition of the vehicle may be
6 documented by photograph or in writing.

7 **2-A. Report from owner of premises where vehicle located to Secretary of State.**

8 The owner of the premises where a vehicle under this section is located or the owner's agent
9 shall provide a report to the Secretary of State within 14 days of taking the vehicle into
10 custody stating that the owner or the owner's agent is in possession of the vehicle. The
11 report must be in writing and on a form provided by the Secretary of State and must include:

12 A. The vehicle's make, model, year, body type, vehicle identification number and any
13 registration and plates on the vehicle;

14 B. The date the vehicle came into possession of the owner of the premises where the
15 vehicle is located or the owner's agent, under what circumstances the vehicle came into
16 that person's possession and whether the vehicle is salvage; and

17 C. Proof of notification to the vehicle owner and lienholder, if any, if required to be
18 provided under subsection 1.

19 **3. Response.** On receipt of a ~~notification report~~ under subsection ~~1 or 1-A~~ 2-A, the
20 Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail
21 that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle
22 owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle
23 identification number, provide a copy of the report filed with the Secretary of State under
24 subsection 2-A, give the name and address of the party claiming ownership, and state the
25 charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the
26 vehicle; and include the date that the title or letter of ownership will pass to the new owner.
27 If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the
28 notice must inform the vehicle owner and lienholder that the owner must pay to the
29 Secretary of State the fee required in section 603 to transfer the title. A copy of this letter
30 must be provided to the person claiming ownership.

31 **4. Publication.** If the Secretary of State finds no record of a vehicle with respect to
32 which the Secretary of State ~~is notified~~ receives a report under subsection ~~1 or 1-A~~ 2-A, the
33 owner of the premises where the vehicle is located shall publish a notice once in a
34 newspaper of general circulation in the county where the premises ~~is~~ are located. That
35 notice must clearly:

36 A. Describe the vehicle by the year, make, model and vehicle identification number;

37 B. State that if the owner of the vehicle or lienholder has not properly retrieved it and
38 paid all reasonable charges for its towing, storage and repair within 14 days from the
39 publication, ownership of the vehicle passes to the owner of the premises where the
40 vehicle is located; and

41 C. State how the owner of the premises may be contacted.

42 **Sec. 2. 29-A MRSA §1856, sub-§1**, as amended by PL 2017, c. 240, §5, is further
43 amended to read:

1. Evidence of compliance. A person who has complied with section 1854, subsection 4 shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 21 days after the date on which the person who has possession of and control over the vehicle notified reported to the Secretary of State by complying in ~~compliance with section 1854, subsection 1 or 1-A and section 1854, subsection 2 2-A.~~

Sec. 3. 29-A MRSA §1857, as amended by PL 2021, c. 515, §2, is repealed and the following enacted in its place:

§1857. Fee limits

1. Storage fees. If the report to the Secretary of State required by section 1854 is made more than 14 days after receipt of a vehicle described in section 1851 or if the report is not submitted to the Secretary of State, the person holding the vehicle may not collect more than 14 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$1,500 for a 30-day period. A storage fee may not be charged for storage for any period before the date upon which notification under section 1854, subsection 1 to the vehicle owner and lienholder, if any, was made.

2. Requirement to itemize invoice for towing. Before receiving payment for a charge relating to a vehicle that was towed as described in section 1851, subsection 1, 2 or 3, the owner of the premises to which the vehicle was towed, or the owner's agent, shall provide to the vehicle owner a detailed invoice for all costs incurred in the recovery, towing, cleanup or storage of the towed vehicle and its contents.

3. No payment for towing without itemization. A vehicle owner or lienholder who has received a notification in writing in accordance with section 1854, subsection 1 is not required to pay for any towing charge not itemized on an invoice under subsection 2.

4. Failure to comply. Failure to comply with this section constitutes an unfair trade practice under Title 5, chapter 10.

SUMMARY

This bill amends the law governing required notifications to vehicle owners when a vehicle is towed or left on residential or business premises.

1. It requires that, within 48 hours of the time a vehicle is taken into custody, the owner of the premises where the vehicle is located must notify the vehicle owner and lienholder, if any, that the owner of the premises is in possession of the vehicle. The bill specifies the information that must be included in the notice.

2. It requires the owner of the premises where the vehicle is located to report to the Secretary of State within 14 days of taking the vehicle into custody that the owner of the premises is in possession of the vehicle. The bill specifies the information that must be included in the report.

3. As in current law, it requires the Secretary of State to inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law.

4. It requires itemized invoices for towing charges and provides that failure to comply with the fee limits and requirements constitutes an unfair trade practice.