

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

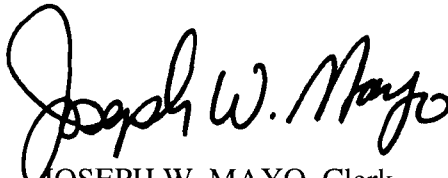
No. 1441

H.P. 1026

House of Representatives, April 27, 1995

An Act Concerning Abandoned Cars.

Reference to the Committee on Transportation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative PEAVEY of Woolwich.
Cosponsored by Representatives: BARTH of Bethel, GOOLEY of Farmington, MARSHALL of Eliot, SAVAGE of Union, TAYLOR of Cumberland, TRUE of Fryeburg, WHEELER of Bridgewater.

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

4 **Sec. 1. 29-A MRSA §401, sub-§4-A is enacted to read:**

6 **4-A. Refusal to register; abandoned vehicle conviction.**
8 The Secretary of State may refuse to register any vehicle to a
10 person who has been convicted of violation of section 1858 or who
has been found by the Secretary of State to have abandoned a
vehicle without paying the costs of removing, storing or
destroying the vehicle.

12 **Sec. 2. 29-A MRSA §1851, sub-§§5 and 6, as enacted by PL 1993,**
14 **c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:**

16 **5. Left after repair completed.** Left at a place of
18 business after being repaired pursuant to a written work order
signed by the person requesting the repair work; or

20 **6. Left on residential property.** Left on an individual's
residential property for more than 6 months; or

22 **Sec. 3. 29-A MRSA §1851, sub-§7 is enacted to read:**

24 **7. Left on a public way.** Left on a public way in violation
26 of section 1858.

28 **Sec. 4. 29-A MRSA §1856, sub-§3 is enacted to read:**

30 **3. Disposal by storage company.** The following provisions
govern disposal of abandoned vehicles by storage companies.

32 A. If the owner of a motor vehicle removed or stored
34 pursuant to this subchapter does not claim the vehicle
within 30 days and the vehicle is more than 5 model years
36 old at the time of removal, the storage company may dispose
of that vehicle after giving notice pursuant to section
38 1855, and by posting notices of the sale in 2 or more public
places in the town or city where the property is stored at
40 least 14 days before the sale, but notice by publication is
not required.

42 B. If the vehicle is 5 model years old or less at the time
of removal and the vehicle has not been claimed within 30
44 days, the storage company may dispose of that vehicle after
giving notice pursuant to section 1855.

46 C. If the vehicle is no longer intended for or in condition
48 for legal use on the public ways of the State, the storage
company may dispose of the vehicle in less than 30 days and

2 without the notice required by sections 1854 and 1855 after
3 written notice to the Secretary of State and approval by the
4 Secretary of State rules adopted to implement this section.

5 **Sec. 5. 29-A MRSA §1858**, as enacted by PL 1993, c. 683, Pt.
6 A, §2 and affected by Pt. B, §5, is repealed and the following
7 enacted in its place:

8 **§1858. Abandonment of vehicle; prohibition and penalty**

9 **1. Prohibition.** A person may not abandon a motor vehicle,
10 registered or unregistered:

11 A. On any property other than the owner's own property
12 without the permission of the owner or lessee of that
13 property; or

14 B. On a public way or other public property without the
15 permission of the police department having jurisdiction over
16 the property.

17 **2. Abandonment defined.** For the purposes of this section,
18 a vehicle is considered abandoned if it has been left for more
19 than 24 hours without the granting of permission under subsection
20 1.

21 **3. Ownership.** For purposes of this section, the last owner
22 of record of a motor vehicle found abandoned as shown by the
23 files of the department is deemed, prima facie, to be the owner
24 at the time of the abandonment and to be the person who abandoned
25 or caused the abandonment of that motor vehicle.

26 **4. Penalty.** A person who violates this section commits a
27 traffic infraction and may be subject to:

28 A. Loss of registration of a vehicle;

29 B. Refusal of registration of a vehicle under section 401;

30 C. Revocation of a driver's license under section 2458,
31 subsection 3; and

32 D. Paying the costs of abandoning the vehicle, including,
33 but not limited to, towing and storage costs. The Secretary
34 of State may suspend the driver's license of a person who
35 fails to pay these costs.

36 **Sec. 6. 29-A MRSA §1859**, as enacted by PL 1993, c. 683, Pt.
37 A, §2 and affected by Pt. B, §5, is repealed and the following
38 enacted in its place:

2 **§1859. Removal of vehicle**

4 **1. Removal without proper permission.** Removal of a vehicle
6 described in section 1851 or of any part or accessory from the
8 vehicle without the written consent of the person in charge or
10 the owner of the premises or property where the vehicle is
12 located is a Class E crime. This subsection applies to all
14 persons, including the owner of the vehicle.

16 **2. Removal at the request of owner of property.** The owner
18 or person in lawful possession of private property on which a
20 vehicle is parked without that person's permission, or is
22 apparently abandoned under the terms of section 1858, may:

24 **A. Cause the removal of the vehicle in a reasonable manner**
26 **provided notice of the removal is given to a law enforcement**
28 **officer as soon as reasonably possible; or**

30 **B. Request a law enforcement officer to remove the vehicle**
32 **from that property.**

34 **3. Duties of police department.** A law enforcement officer
36 or other authorized official who receives a request for removal
38 of a vehicle under subsection 2 shall cause the removal of the
40 vehicle in question in accordance with any applicable
42 requirements of this subchapter.

44 **4. Police log.** A police department that receives a request
46 to have a vehicle removed or receives notice of a removal under
48 this section shall maintain a log of these requests and notices.

5. Notice of removal. Whenever an authorized official or
 the owner or person in lawful possession of private property
 directs the removal and storage of a vehicle as permitted in this
 section, the person removing the vehicle, if able to ascertain
 from the registration records of the Secretary of State the name
 and address of record of the registered owner of the vehicle,
 shall attempt to give by the most practicable means notice of the
 removal and the location of the vehicle after removal. If the
 authorized official or other responsible person does not know and
 is not able to ascertain the name of the owner, or for any other
 reason is unable to give notice to the owner as provided in this
 section, that notice must instead be filed with the Secretary of
 State who shall make the notice available for public inspection.

Sec. 7. 29-A MRSA §2458, sub-§3, as enacted by PL 1993, c.
 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2 **3. Demerit point system.** For the purpose of identifying
3 reckless or negligent operators and habitual or frequent
4 violators of traffic regulations, the Secretary of State shall
5 adopt rules establishing a uniform system of assigning demerit
6 points for convictions or adjudications of violations of statutes
7 or rules governing the operation of motor vehicles, including
8 violations of Title 17-A, section 360, subsection 1, paragraphs A
9 and B.

10 The rules must include a designated level of point accumulation
11 that identifies those drivers.

12 The Secretary of State may assess points for convictions or
13 adjudications in other states or provinces of offenses that, if
14 committed in this State, would be grounds for assessment.

15 Notice of assessment of points must be given when the point
16 accumulation reaches 50% of the number at which suspension is
17 authorized.

18 Points may not be assessed for violating a provision of this
19 Title or a municipal ordinance regulating standing, parking,
20 equipment, size or weight.

21 The Secretary of State may assess points for convictions
22 involving abandoned vehicles under section 1858 and against any
23 person the Secretary of State finds has abandoned a vehicle and
24 who has not satisfied the reasonable costs of removal and storage.

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STATEMENT OF FACT

33 This bill amends the laws concerning abandoned vehicles to
34 do the following:

35 1. Specifically authorize the Secretary of State to assess
36 points as a traffic infraction for abandonment of a motor vehicle
37 and failure to pay costs of removal and storage;

38 2. Classifies as "abandonment" leaving a vehicle on a
39 public way for more than 24 hours without police permission;

40 3. Changes the notice requirements for storage companies to
41 dispose of abandoned vehicles;

42 4. Redefines abandonment for certain purposes and sets
43 additional penalties for abandonment; and

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2 5. Establishes a police log for removal of abandoned
vehicles and a provision for notice to the Secretary of State
when the owner of the vehicle is unknown.