

MAINE STATE LEGISLATURE

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DATE: April 9, 1999

(Filing No. S- 76)

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STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 375, L.D. 1076, Bill, "An Act to Simplify the Process of Claiming Abandoned Vehicles"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §§1852 and 1854, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

§1852. Abandonment defined

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by section 1854 or within 14 days of receipt of the notice required by section 1855 after the notice to the owner and lienholder are sent by the Secretary of State or 14 days after the advertisement is published as required in section 1854, subsection 4.

§1854. Notification of vehicle owner

1. Notification in writing. If the owner or lienholder of a vehicle is unknown, the The owner of the premises where the an abandoned vehicle is located shall inquire of notify the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder if any of the vehicle that the owner is in possession of an

COMMITTEE AMENDMENT

1446
2 ~~abandoned vehicle. If only the lienholder is unknown, the~~
3 ~~inquiry required by this section may be made by telephone and~~
4 ~~need only be confirmed in writing with the Secretary of State.~~
5 The notification must be in writing and on a form provided by the
6 Secretary of State.

7
8 **2. Contents of notification.** This inquiry notification
9 must include the vehicle's make, model, year, body type, vehicle
10 identification number and any registration and plates on the
11 vehicle. This notification also must include the date the
12 vehicle came into possession of the owner or person in charge of
13 the premises where the vehicle is located, under what
14 circumstances the vehicle came into that person's possession and
15 whether the vehicle is salvage.

16 **3. Response.** On receipt of the inquiry notification, the
17 Secretary of State shall ~~provide the holder of the vehicle with~~
18 ~~the name and address of the vehicle's owner and lienholder or~~
19 ~~shall state that no record of the vehicle is on file~~ inform the
20 vehicle owner and lienholder, if any, by regular mail that the
21 vehicle is being claimed under the abandoned vehicle law. The
22 notice to the vehicle owner and lienholder, if any, must identify
23 the vehicle by the year, make, model and vehicle identification
24 number, give the name and address of the party claiming
25 ownership, state the charges against the vehicle that the owner
26 and lienholder, if any, must pay to retrieve the vehicle, and the
27 date that the title or letter of ownership will pass to the new
28 owner. A copy of this letter must be provided to the person
29 claiming ownership.

30
31 **4. Publication.** If the Secretary of State finds no record
32 of the vehicle, the owner of the premises where the vehicle is
33 located shall publish a notice ~~at least twice~~ once in a newspaper
34 of general circulation in the county where the premises is
35 located. That notice must clearly:

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

39
40 B. State that if the owner of the vehicle or lienholder has
41 not properly retrieved it and paid all reasonable charges
42 for its towing and, storage and repair within 14 days from
43 ~~date of last~~ the publication, ownership of the vehicle will
44 pass to the owner of the premises where the vehicle is
45 located; and

46
47 C. State how the owner of the premises may be contacted.

48
49 **Sec. 2. 29-A MRSA §1855,** as enacted by PL 1993, c. 683, Pt.
50 A, §2 and affected by Pt. B, §5, is repealed.

2 **Sec. 3. 29-A MRSA §§1856 and 1857**, as enacted by PL 1993, c.
683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

4 **§1856. Change of ownership**

6 **1. Evidence of compliance.** A person who has complied with
section 1854 ~~or--1855~~, subsection 4 shall present evidence of
8 compliance to the Secretary of State immediately after the 14-day
notice period. The Secretary of State may not issue a letter of
10 ownership or certificate of title until at least 30 days after
the date on which the person ~~first~~ who has possession of and
12 control over the vehicle notified the Secretary of State by
complying with section 1854, subsections 1 and 2.

14 **2. Issuance of certificate; letter of ownership.** The
16 Secretary of State, upon being satisfied that ~~the--person--has~~
~~notified--or--has--attempted--to--notify~~ notice has been made to all
18 parties with an interest in the vehicle, may issue certificates
of title or letters of ownership as follows.

20 A. For a vehicle not required to be titled, on presentation
22 of sufficient evidence and payment of a \$5 fee, the
Secretary of State may issue a letter of ownership to the
24 owner of the premises on which the vehicle is located.

26 B. For vehicles subject to chapter 7, on presentation of
sufficient evidence and application for certificate of title
28 in accordance with section 654 and payment of a fee set
forth in section 603, the Secretary of State may issue a
30 certificate of title to the owner of the premises on which
the vehicle is located.

32 If the owner or lienholder of the vehicle retrieves it and
34 pays the towing, storage and repair charges before the Secretary
of State issues a letter of ownership or certificate of title,
36 the person holding the vehicle must immediately release it to the
person paying the charges and must immediately notify the
38 Secretary of State of the release.

40 A person who refuses to release a vehicle when reasonable
charges are paid or does not notify the Secretary of State that
42 the vehicle is no longer in the person's possession commits a
Class E crime.

44 **§1857. Limits**

46 If the inquiry notification to the Secretary of State
48 required by section 1854 ~~or--the--notice--required--by--section--1855~~
is made more than 30 days after receipt of a vehicle described in
50 section 1851, the person holding the vehicle may not collect more

2 than 30 days of storage fees. Daily storage charges must be
reasonable and total storage charges may not exceed \$600 for a
30-day period.'

4
6 Further amend the bill by inserting at the end before the
summary the following:

8
10 **FISCAL NOTE**

12 The Bureau of Motor Vehicles within the Department of the
Secretary of State will incur some minor additional costs to
develop certain forms and to provide certain notifications by
14 regular mail. These costs can be absorbed within the bureau's
existing budgeted resources.

16
18 This bill may increase prosecutions for Class E crimes. If
a jail sentence is imposed, the additional costs to the counties
are estimated to be \$82.48 per day per prisoner. These costs are
20 not reimbursed by the State. The number of prosecutions that may
result in a jail sentence and the resulting costs to the county
22 jail system are expected to be insignificant.

24 The additional workload and administrative costs associated
with the minimal number of new cases filed in the court system
26 can be absorbed within the budgeted resources of the Judicial
Department. The collection of additional fines may increase
28 General Fund revenue by minor amounts.'

30
32 **SUMMARY**

34 This amendment removes the requirement that the person
claiming an abandoned vehicle send a notice by certified mail,
return receipt requested, to the owner and lienholder, if any.
36 The Secretary of State, on proper notification, is required to
write the letter formally notifying the current owner. This
38 amendment requires only one newspaper advertisement when the
Department of Public Safety, Bureau of Motor Vehicles can not
40 find any record of an owner or lienholder for a vehicle. The
amendment also adds a fiscal note to the bill.