

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 666

H.P. 515

House of Representatives, February 8, 2007

An Act To Amend Maine's Abandoned Vehicle Laws

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FISHER of Brewer.

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

2 **Sec. 1. 29-A MRSA §1851, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and
3 affected by Pt. B, §5, is amended to read:

4 **2. Towed because illegally parked or left standing or at officer's discretion.**
5 Towed pursuant to section 2068 or 2069 or at the direction of a law enforcement officer;

6 **Sec. 2. 29-A MRSA §1852**, as amended by PL 1999, c. 137, §1, is further
7 amended to read:

8 **§1852. Abandonment defined**

9 For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner
10 or lienholder does not retrieve it and pay all reasonable charges for towing, storing and
11 authorized repair of the vehicle within ~~14~~ 7 days after the ~~notice~~ notices to the owner and
12 lienholder are sent by the Secretary of State or ~~14~~ 7 days after the advertisement is
13 published as required in section 1854, subsection 4. The last owner of record of a motor
14 vehicle found abandoned as shown in the files of the office of the Secretary of State is
15 deemed to be the owner of the motor vehicle at the time it was abandoned and to be the
16 person who abandoned it.

17 **Sec. 3. 29-A MRSA §1854, sub-§1**, as amended by PL 1999, c. 137, §1, is
18 further amended to read:

19 **1. Notification in writing.** The owner of the premises where an abandoned vehicle
20 is located or the owner's agent shall notify the Secretary of State that the owner or the
21 owner's agent is in possession of an abandoned vehicle. The notification must be in
22 writing and on a form provided by the Secretary of State.

23 **Sec. 4. 29-A MRSA §1854, sub-§2**, as amended by PL 1999, c. 137, §1, is
24 further amended to read:

25 **2. Contents of notification.** This notification must include the vehicle's make,
26 model, year, body type, vehicle identification number and any registration and plates on
27 the vehicle. This notification also must include the date the vehicle came into possession
28 of the owner, the owner's agent or person in charge of the premises where the vehicle is
29 located, under what circumstances the vehicle came into that person's possession and
30 whether the vehicle is salvage.

31 **Sec. 5. 29-A MRSA §1854, sub-§4, ¶B**, as amended by PL 1999, c. 137, §1, is
32 further amended to read:

33 B. State that if the owner of the vehicle or lienholder has not properly retrieved it
34 and paid all reasonable charges for its towing, storage and repair within ~~14~~ 7 days
35 from the publication, ownership of the vehicle ~~will pass~~ passes to the owner of the
36 premises where the vehicle is located; and

1 **Sec. 6. 29-A MRSA §1856, sub-§1**, as amended by PL 1999, c. 137, §3, is
2 further amended to read:

3 **1. Evidence of compliance.** A person who has complied with section 1854,
4 subsection 4 shall present evidence of compliance to the Secretary of State immediately
5 after the ~~14-day~~ 7-day notice period. The Secretary of State may not issue a letter of
6 ownership or certificate of title until at least ~~30~~ 15 days after the date on which the person
7 who has possession of and control over the vehicle notified the Secretary of State by
8 complying with section 1854, subsections 1 and 2.

9 **Sec. 7. 29-A MRSA §1857**, as amended by PL 1999, c. 137, §3, is repealed and
10 the following enacted in its place:

11 **§1857. Limits**

12 Storage and towing charges with respect to an abandoned vehicle under this
13 subchapter must be reasonable.

14 **Sec. 8. 29-A MRSA §1858**, as amended by PL 1995, c. 65, Pt. A, §103 and
15 affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

16 **§1858. Abandonment of vehicle on public way**

17 Abandonment of a vehicle on a public way is a traffic infraction. A person who is
18 found to have abandoned a vehicle under this section is responsible for any towing or
19 other charges that are directly related to the abandonment of the vehicle.

20 **Sec. 9. 29-A MRSA §1861** is enacted to read:

21 **§1861. Clarify current law about holding vehicle and its accessories**

22 A person holding or storing an abandoned vehicle, holding or storing a vehicle towed
23 at the request of the vehicle's operator, owner or owner's agent or holding or storing a
24 vehicle stored at the request of a law enforcement officer is permitted to hold the vehicle
25 and all its accessories, contents and equipment, not including the personal effects of the
26 registered owner, until all fees are paid.

27 For purposes of this section, "personal effects" includes medications, medical
28 equipment, clothing, mail, child safety seats and similar items. Except for child safety
29 seats, items attached to the vehicle and business equipment, machinery and tools are not
30 considered personal effects.

31 **Sec. 10. 29-A MRSA §1862** is enacted to read:

32 **§1862. Loss of driver's license and registration**

33 If a vehicle is abandoned, the Secretary of State shall suspend the owner's driver's
34 license or that person's right to operate a motor vehicle in this State and that person's right
35 to register a motor vehicle upon certification by the person towing, holding or storing the
36 vehicle that not all towing, recovery, storage and related fees have been paid in full. If

1 the registered owner is not an individual, the owner's right to register a motor vehicle in
2 this State is suspended. If the owner is involved in the transporting of freight,
3 merchandise, household goods or passengers for hire, the owner's operating authority
4 pursuant to chapter 5, subchapter 2 is suspended. The suspensions remain in effect until
5 satisfactory proof of payment is received by the Secretary of State. For purposes of this
6 section, the last owner of record, as shown by the Secretary of State's records, is deemed
7 to be the owner of the vehicle at the time it was abandoned. If the vehicle is towed or
8 impounded at the request of a law enforcement officer in connection with a traffic
9 infraction, civil violation or criminal violation by the operator, the Secretary of State shall
10 suspend the operator's driver's license and that person's right to register a motor vehicle
11 upon certification by the person towing, holding or storing the vehicle that not all towing,
12 recovery, storage and related fees are paid in full. The suspensions remain in effect until
13 satisfactory proof of payment is received by the Secretary of State.

14 **Sec. 11. 29-A MRSA §1863** is enacted to read:

15 **§1863. Impound; additional fees**

16 If a vehicle is towed at the request of a law enforcement officer and was used in the
17 commission of a crime, the person towing and storing the abandoned vehicle is entitled to
18 receive an impound fee not to exceed \$250. One half of the fee must be paid over to the
19 Secretary of State for the Secretary of State's use.

20

SUMMARY

21 This bill clarifies who may initiate the towing of a vehicle and who is the owner of an
22 abandoned vehicle. The bill clarifies that not only the owner of the premises where an
23 abandoned vehicle is located but also the owner's agent may initiate and sign a
24 notification to the Secretary of State indicating that the owner or owner's agent is in
25 possession of an abandoned motor vehicle. The bill shortens the period of time for
26 retrieving the abandoned property from 14 days to 7 days. The bill also shortens the time
27 that the Secretary of State has to wait to issue a certificate of title from 30 days to 15
28 days. The bill changes the standard and the limits on towing charges. The bill defines
29 the term "personal effects." The bill requires the Secretary of State to suspend the license
30 or right to operate and right to register a motor vehicle of the person who has abandoned
31 the vehicle until the fees for the towing, holding or storing of the vehicle are paid.