

MAINE STATE LEGISLATURE

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Date: 5/30/17

L.D. 1251

(Filing No. H-341)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 874, L.D. 1251, Bill, "An Act To Require Timely Notification of Owners of Motor Vehicles That Have Been Towed"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Certain Abandoned Vehicles and Notice to the Secretary of State Regarding Those Vehicles'

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

'Sec. 1. 29-A MRSA §1854, sub-§1, as amended by PL 2007, c. 150, §3, is further amended to read:

1. Notification in writing. ~~The~~ Except as provided in subsection 1-A, the owner of the premises where an abandoned a vehicle described in section 1851 is located or the owner's agent shall notify the Secretary of State that the owner or the owner's agent is in possession of an abandoned that vehicle. The notification must be in writing and on a form provided by the Secretary of State.

Sec. 2. 29-A MRSA §1854, sub-§1-A is enacted to read:

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

Sec. 3. 29-A MRSA §1854, sub-§2, as amended by PL 2007, c. 150, §4, is further amended to read:

2. Contents of notification. ~~This~~ A notification under this section must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This notification also must include the date the vehicle came

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1 into possession of the owner, the owner's agent or person in charge of the premises where
2 the vehicle is located, under what circumstances the vehicle came into that person's
3 possession and whether the vehicle is salvage.

4 **Sec. 4. 29-A MRSA §1854, sub-§3**, as amended by PL 2009, c. 435, §21, is
5 further amended to read:

6 **3. Response.** On receipt of ~~the~~ a notification under this section, the Secretary of
7 State shall inform the vehicle owner and lienholder, if any, by regular mail that the
8 vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle
9 owner and lienholder, if any, must identify the vehicle by the year, make, model and
10 vehicle identification number, give the name and address of the party claiming
11 ownership, state the charges against the vehicle that the owner and lienholder, if any,
12 must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass
13 to the new owner. If the party is claiming ownership of the vehicle pursuant to section
14 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner
15 must pay to the Secretary of State the fee required in section 603 to transfer the title. A
16 copy of this letter must be provided to the person claiming ownership.

17 **Sec. 5. 29-A MRSA §1856, sub-§1**, as amended by PL 2011, c. 46, §3, is further
18 amended to read:

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

25 **Sec. 6. 29-A MRSA §1857**, as amended by PL 2011, c. 46, §4, is further amended
26 to read:

27 **§1857. Limits**

28 If the notification to the Secretary of State required by section 1854 is made more
29 than 14 days after receipt of a vehicle described in section 1851 or if notification is not
30 submitted to the Secretary of State, the person holding the vehicle may not collect more
31 than 14 days of storage fees. Daily storage charges must be reasonable and total storage
32 charges may not exceed \$900 for a 30-day period.'

33 **SUMMARY**

34 This amendment replaces the bill and changes the title. The amendment applies to a
35 vehicle that is left at a storage facility, if the owner failed to pay storage or rental fees,
36 and to a vehicle left at a place of business after being repaired pursuant to a written work
37 order signed by the person requesting the repair work.

38 The amendment provides that the owner of the premises where a vehicle is stored or
39 the owner's agent is required to notify the Secretary of State that the owner or owner's
40 agent is in possession of the vehicle. That notification must be submitted to the Secretary
41 of State within 14 days after the date on which the vehicle owner is responsible for any

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1 unpaid charges for authorized repair or for storage and any related towing expenses
2 incurred by the owner or the owner's agent in possession of the vehicle.

3 The amendment also clarifies that if notification is not submitted to the Secretary of
4 State, the person holding the vehicle may not collect more than 14 days of storage fees.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1251

LR 2085(02)

An Act To Require Timely Notification of Owners of Motor Vehicles That Have Been Towed

Fiscal Note for Bill as Amended by Committee Amendment *A(H-341)*
Committee: Transportation
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Highway Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with receiving and processing notifications can be absorbed within existing budgeted resources.