

## Abandoned Vehicles

### 507.1 AUTHORITY

The disposition of abandoned vehicles in Maryland is regulated by the Maryland Vehicle Laws, Title 25, Subtitle 2 of the Annotated Code of Maryland. This statute provides the police with authority to take custody of and remove and/or dispose of abandoned vehicles found on public or private property.

### 507.2 DISPOSITION OF UNATTENDED / ABANDONED VEHICLES

- (a) Prior to removing an abandoned vehicle as provided in this policy, every reasonable attempt will be made to have the vehicle removed by the owner or the person responsible for leaving the vehicle unattended/abandoned.
- (b) Abandoned vehicles may be removed at the direction of the Sheriff's Office and placed in storage at any facility used for the purpose of vehicular storage pursuant to Section 25-203 of the Maryland Vehicle Law. Such vehicles will be construed to be in the possessive custody of the facility. Abandoned vehicles are to be inventoried and stored in accordance with the Sheriff's Office Tow Service Policy.
- (c) Abandoned vehicles and mobile homes found on private property will not be removed or taken into custody at the direction of or by the Sheriff's Office, except when such vehicle is evidence in a criminal case or seized pursuant to a writ of the courts or the vehicle is blocking passage and access to the private property.
- (d) The Transportation Article – Maryland Vehicle Laws, Section 25-202 prohibits anyone from abandoning a vehicle on public property or abandoning a vehicle on private property without the consent of the property owner or lessee. Appropriate enforcement action is taken whenever a violation is determined and the person responsible is known.
- (e) The Code of St. Mary's County – Motor Vehicles, Chapter 82-1 prohibits storage of an unlicensed junk motor vehicle in open view of a person on a nearby highway. For the purpose of this paragraph, a junk vehicle will be defined as a vehicle which is either not in running condition or is in such disrepair so as to not be capable of complying with Section 23-104 of the Maryland Vehicle Law. For violations: SMC Planning and Zoning will be notified who will investigate the violation – take the appropriate enforcement action.
- (f) Abandoned vehicles are not to be sold at public auction except in those cases where the vehicle is taken into "police custody" whereby the Sheriff's Office takes physical possession of the vehicle, and it is held in storage at a Sheriff's Office approved location and meets all of the requirements of an abandoned vehicle under the provisions of the law. This does not prohibit auctions of vehicles pursuant to court order.
- (g) Nothing in this policy is intended to prevent any person, firm, or corporation who possesses an abandoned vehicle from disposing of a vehicle under laws applicable to

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the situation, provided the methods of disposal do not interfere with the responsibilities charged to the police under the Maryland Vehicle Law, Title 25, Subtitle 2.

### **507.3 UNATTENDED / ABANDONED VEHICLES ON PUBLIC PROPERTY**

Where vehicles are found unattended/abandoned on public property, the following procedures will be adhered to:

- (a) Determine if the vehicle is stolen, wanted or has been previously reported as unattended. If the vehicle is found to be stolen or wanted, it will be processed as per established procedures.
- (b) A Tyler narrative is the only report required to be completed when the vehicle is not stolen or wanted and not previously reported unattended. To alert other officers a disabled or unattended vehicle has been initially checked, an orange Assistance Rendered/Unattended Vehicle Check Tag (SMCSO Form #13) will be appropriately completed and placed securely to the lower right-handed corner of the window, closet to the roadway. The Vehicle Check Stickers are to be carried by all deputy sheriffs.
- (c) The deputy sheriff reporting the incident will make a reasonable effort to contact the owner and advise him/her to remove the vehicle within forty-eight hours or it will be removed and stored as an abandoned vehicle. A reasonable effort will be telephone contact or personal contact, when practical. Notification, or date and time of attempts to notify will be recorded by the investigating deputy sheriff in the Tyler narrative of the Complaint Control Number (CCN) assigned when the vehicle was initially tagged.
- (d) Where a vehicle has been previously recorded as an unattended vehicle and less than forty-eight hours has elapsed since being initially checked and tagged, periodic checks should be made on the vehicle and any known information on its subsequent removal will be recorded in the Tyler narrative of the CCN assigned when the vehicle was tagged.
- (e) If a vehicle has been recorded as unattended for forty-eight hours or more, removal and storage will be directed by the duty officer or initiated by the deputy sheriff. The duty officer will verify that reasonable efforts have been made to contact the owner prior to storage.
- (f) The actual removal of a vehicle abandoned on public property will be covered using the CCN assigned when the vehicle was tagged. The deputy sheriff will complete and submit a Vehicle Tow/Storage Card through Tyler RMS, indicating the vehicle was abandoned on public property. The vehicle's VIN number will be physically verified, and all property in the vehicle must be inventoried in accordance with the Sheriff's Office Tow Service Policy. The operator of the tow service will be provided a printout of the Vehicle Impound entry with as much of the owner/operator information that can be obtained by the Deputy. Also noted on the Vehicle Impound printout is a list of items remaining in the vehicle. The Deputy will have his/her BWC activated at the time they provide the printout to the tow operator.
- (g) The deputy sheriff towing the vehicle will attempt to make contact with the owner or last known registered. All findings, names, and phone numbers will be added to the TYLER narrative or appropriate persons file under the established CCN#. After 10

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days and 3 attempts to contact the owner or owner's representative, the CCN# will be forwarded to TSU for additional investigation.

### **507.4 ABANDONED VEHICLE ON PRIVATE PROPERTY**

In response to complaints of vehicles and mobile homes abandoned on private property, the following procedures will be adhered to:

- (a) A CCN covering the abandoned vehicle incident will be initiated.
- (b) Upon contact with the complainant/property owner, the assigned deputy sheriff will determine if the vehicle in question is stolen, wanted, or has been previously reported as unattended. If so, it will be processed per established procedures.
- (c) If a vehicle has been determined to have remained on private property for more than forty-eight hours without the consent of the owner or person in control of the property but is not wanted or stolen, the investigating deputy sheriff will advise the complainant/property owner they can either contact a tow facility to have it removed at his/her expense or provide them with the Traffic Safety Unit supervisors email or office telephone number and he/she can follow-up to explain the process for a scrap certificate.
- (d) If the complainant desires a scrap certificate, the investigating deputy sheriff will ensure the complainant/property owner is provided with the CCN and office telephone number of the Traffic Safety Unit Supervisor.
- (e) A Tyler narrative is the only report required to be completed by the investigating deputy sheriff when the vehicle is not stolen or wanted, and the complainant does not want to obtain a scrap certificate. The deputy will ensure all notification attempts made to the vehicle owner or his/her representative, whether via telephone or in person, are included in the Tyler narrative along with any registration or owner information regarding the abandoned vehicle.
- (f) If a vehicle has been determined to have remained on private property for less than forty-eight hours without the consent of the owner or person in control of the property, the investigating deputy sheriff will make a reasonable effort to contact the vehicle owner or his/her representative and advise him/her to remove the vehicle. A reasonable effort will be telephone contact or personal contact and will be documented in Tyler.
- (g) If the vehicle owner or his/her representative is contacted and immediately responds to the property to remove or arrange for removal of the vehicle, all pertinent information regarding the notification will be recorded by the investigating deputy sheriff in the Tyler narrative of the CCN assigned. If the vehicle owner or his/her representative cannot immediately respond to remove or arrange for the removal of the vehicle but intends to do so in the near future, the deputy will provide the complainant/property owner with the full name, address, and telephone number of the vehicle owner or his/her representative to arrange for the removal of the vehicle.
- (h) If the abandoned vehicle is inoperable and its owner or the owner's representative requests it be towed from the property after being notified, the investigating deputy sheriff will complete notes in the Tyler narrative articulating the owners or owners

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representatives request. The owners information must also be completed in the persons files. Upon release of the vehicle to the Tow Operator the Deputy while BWC is activated, will provide the tow operator with the Deputy's name, CCN#, owner/owner representatives name, address and phone number.

- (i) If the Traffic Safety Unit Supervisor is contacted by the owner, lessee, or person in control of the private property upon which a vehicle was abandoned, he/she will assign the case to a deputy sheriff within his/her unit for the purposes of conducting the investigation. The deputy sheriff assigned to the Traffic Safety Unit will subsequently contact the owner, lessee, or person in control of the private property.

#### **507.5 ABANDONED VEHICLES IN GARAGES**

In response to complaints of vehicles abandoned in a garage used for parking, towing, storing, servicing, repair or maintenance of vehicles, the following procedures will be adhered to.

- (a) A CCN covering the abandoned vehicle incident will be initiated, except in the case of a vehicle stored at the facility at the direction of the Sheriff's Office. When a vehicle was previously stored at the direction of the Sheriff's Office, the incident will be handled as a follow-up to the original storage incident.
- (b) If the Traffic Safety Unit Supervisor is directly contacted by the garage owner where a vehicle was abandoned, he/she will assign the case to a deputy sheriff within his/her unit for the purposes of conducting the investigation.
- (c) Upon contact with the garage owner, the investigating deputy sheriff will determine if the vehicle is currently listed as stolen or wanted and, if so, it will be processed per established procedures.
- (d) Pursuant to Section 25-201 of the Maryland Vehicle Law, if the vehicle is not stolen or wanted, the investigating deputy sheriff will ascertain if:
  1. The vehicle has been at the garage in excess of ten (10) days following a notice by certified mail, return receipt requested by the complainant, to the owner to pick up the vehicle.
  2. The vehicle has been at the garage in excess of ten (10) days after the period when, pursuant to contract, the vehicle was to remain on the premises.
  3. The vehicle has been at the garage in excess of ten (10) days after it was left by someone other than the registered owner authorized to have possession of the vehicle under a contract or use, service, storage or repair.
- (e) If any of the above conditions have been met and copies of any documents verifying they have been met are obtained, the investigating deputy sheriff will complete an Incident Report through Tyler and forward the investigation to the Traffic Safety Unit.
- (f) When a vehicle was stored at a garage at the direction of the Sheriff's Office, the investigating deputy sheriff will complete an Incident Report through Tyler or complete a supplement as a follow-up to the original storage incident and forward the investigation to the Traffic Safety Unit supervisor unless the deputy is already assigned to that unit. The investigating deputy sheriff will ensure all notification attempts made to the vehicle owner or his/her representative, whether via telephone or in person,

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are included in the report and any registration or owner information regarding the abandoned vehicle is attached to and submitted with the report.

- (g) If the vehicle was abandoned in a garage, the complainant may be granted authority to dispose of the vehicle to a licensed automotive dismantler and recycler or scrap processor by being issued a Certificate of Authority (MVA Form CS-78) by the Traffic Safety Unit supervisor. A copy of this form will be forwarded to the MVA, and an additional copy will be retained by the Traffic Safety Unit Supervisor. In the case of vehicles abandoned on private property and vehicles placed in a garage by someone other than the Sheriff's Office, the retained copy of Form CS-78 will serve to close the active file on the vehicle in question.

#### **507.6 ADMINISTRATIVE PROCEDURES**

- (a) The Traffic Safety Unit Supervisor will establish an abandoned vehicle program designed to implement the provisions of the abandoned vehicle laws and this policy.
- (b) When completed Vehicle Tow/Storage Cards, Incident or Supplement Reports dealing with an abandoned vehicle are received by the Traffic Safety Unit Supervisor, one copy with attachments, when required, will be forwarded to the investigating deputy sheriff assigned to assist the Traffic Safety Unit.
- (c) Upon receipt of reports, the deputy sheriff assigned to the Traffic Safety Unit will:
  1. Initiate inquiries through MILES/NCIC and the Maryland Motor Vehicle Administration (MVA) to determine the owners and lienholders associated with the abandoned vehicle
  2. Enter vehicle into RMS with owner and lien holder information, and change status to "Scrap Process."
  3. The MILES/NCIC and MVA printouts received will be retained with other documentation pertaining to the abandoned vehicle and scanned into RMS under the assigned impound number.
- (d) If the abandoned vehicle investigation indicates the vehicle may be titled or registered in another state, that state should be contacted, and reasonable attempts made to establish ownership.
- (e) If the owner and/or lienholder can be established, the Traffic Safety Unit supervisor or designee will, as soon as reasonably possible within ten (10) days, prepare and certified mail a Notice of Intention to Dispose of an Abandoned Vehicle (MVA Form CS-88). This notice will be sent to the last registered owner and lienholder by certified letter, return receipt requested, signed by the addressee.
- (f) If the registered owner and lienholder is unknown and cannot be reasonably determined, the Traffic Safety Unit supervisor or designee will post a public notice containing a description of the vehicle and location stored at the Circuit Court for St. Mary's County. The notice will be posted within fifteen (15) days from the date of removal of the abandoned vehicle from public property, except in the case where the certified mail is returned as undeliverable, the notice will be published within seven (7)

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days of such return. One copy of the publication will be retained for the investigative file.

- (g) If the abandoned vehicle is not reclaimed within three (3) weeks from the date notification was mailed or within three weeks of the date of posting of the public notice at the Circuit Court, the following disposition will be made:
  - 1. The Traffic Safety Unit supervisor will issue a Certificate of Authority (MVA Form CS-78) to the garage owner if the vehicle was abandoned in a garage.
    - (a) A physical copy of the Certificate of Authority (MVA Form CS-78) will be maintained by the Traffic Safety Unit Supervisor for seven (7) years from the day of issue. The CS-78 will be scanned into RMS under the vehicle impound number for that vehicle.
- (h) If the abandoned vehicle was removed from public property at the direction of the Sheriff's Office and stored at the Sheriff's Office vehicle storage compound, a deputy sheriff from the Traffic Safety Unit may:
  - 1. Contact a licensed dismantler, recycler, or scrap processor to respond and remove the vehicle pursuant to subtitle 25-209 of the Transportation Article – Maryland Vehicle Laws. Depending on the condition/value of the vehicle, the Sheriff's Office may collect funds for the initial tow fee associated with the removal of the vehicle. The Sheriff's Office will not collect/accept funds greater than the value of the tow fee. . The dismantler, recycler, or scrap processor will be provided with a copy of the Vehicle Impound log that will contain in the comment section that notification procedures required by law have been complied with. A deputy sheriff from the Traffic Safety Unit will then issue a Certificate of Authority (MVA Form CS-78) to the dismantler, recycler, or scrap processor. Funds obtained will be submitted to fiscal and allocated pursuant to subtitle 25-207 (d) for reimbursement for the cost of the towing.
  - 2. Pursue retaining the vehicle for use by the Sheriff's Office pursuant to 25-207 (e) of the Transportation Article – Maryland Vehicle Laws. After satisfying the requirements for obtaining a certificate of title for an abandoned vehicle under 25-207.1 of the Transportation Article – Maryland Vehicle Laws, the Sheriff's Office may retain the use of the vehicle for public purposes. If there is a secured party with an interest in the vehicle as shown on the records of the Maryland Motor Vehicle Administration or the vehicle is owned by a lessor under a lease not intended as security, the Sheriff's Office will not retain the vehicle for public purposes without the written consent of the secured party or lessor. A vehicle no longer usable for public purposes will be either sold at auction or transferred to a dismantler, recycler, or scrap processor following the procedures in (a) and (b) above.