

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Bill No. CB-60-2020

Chapter No. _____

Proposed and Presented by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Davis, Taveras, Dernoga, Harrison, Streeter,
Anderson-Walker, Ivey and Glaros

Date of Introduction October 13, 2020

BILL

1 AN ACT concerning

2 Impoundment

3 For the purpose of modifying the notice requirements and reclaiming and redemption process for
4 impounded vehicles.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 26. VEHICLES AND TRAFFIC.
7 Sections 26-168, 26-170 and 26-171,
8 The Prince George's County Code
9 (2019 Edition).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Sections 26-168, 26-170 and 26-171 of the Prince George's County Code be and
12 the same are hereby repealed and reenacted with the following amendments:

13 **SUBTITLE 26. VEHICLES AND TRAFFIC.**

14 **DIVISION 18. IMPOUNDMENT.**

15 **Sec. 26-168. Impoundment; notice to owner.**

16 (a) Within two (2) full County working days after impoundment of any vehicle pursuant to
17 Section 26-166 (a)(1) through (7) of this Code, the police department or Revenue Authority shall
18 mail a notice by registered mail to the last known registered owner of the vehicle and to each
19 secured party, as may be disclosed by the vehicle license number, if such be obtainable, and to
20 any other person who claims the right to possession of the vehicle, if such a claim is actually
21 known to an officer, agent, or employee of the police department who has knowledge of the

1 impoundment. If a police officer who has knowledge of the impoundment has reason to believe
 2 that an owner or one who claims the right to possession of the vehicle is residing or is in custody
 3 at some different address which is known to the officer, a copy of the notice shall also be mailed
 4 by regular mail to such owner or claimant at the known address. If a vehicle is redeemed prior to
 5 the mailing of such notice, then notice need not be mailed.

6 (b) The notice shall contain the following:

7 (1) A statement as to the reason why the vehicle has been impounded;

8 (2) The year, make, model, and vehicle identification number of the vehicle;

9 (3) The location of the impoundment facility where the vehicle is being held;

10 (4) A statement that the vehicle owner or secured party has the right to a hearing to
 11 contest the validity of the impoundment at any time within twenty-one (21) calendar days of the
 12 date of such notice by filing a request for hearing with the Police Department on a request form
 13 which shall be included with such notice; and

14 (5) A statement that the owner or the secured party may have a right, depending
 15 upon the reason for the impoundment, to reclaim the vehicle upon payment of all outstanding
 16 parking violations and traffic citations and all towing and storage charges resulting from the
 17 storage and towing of the vehicle.

18 **Sec. 26-170. Same; decision of the hearing officer.**

19 (a) If the hearing officer determines that there was no probable cause to impound the
 20 vehicle, the hearing officer shall prepare and date a "Certificate of No Probable Cause," copies of
 21 which shall be given to the person who has the right to possess the vehicle and the Police
 22 Department. Upon presentation of this certificate, the custodian of the vehicle shall release the
 23 vehicle without payment of towing and storage fees. Costs of the hearing and towing and storage
 24 fees shall be paid by the County or the owner of the premises from which the vehicle was towed
 25 if such owner or his agent authorized the towing and impoundment. Failure to present this
 26 certificate to the custodian of the vehicle within twenty-four (24) hours of its receipt, excluding
 27 such days when the custodian is not open for business, shall result in the liability of the owner or
 28 possessor of all subsequent storage charges and a lien by the custodian on the vehicle for the
 29 amount of such charges.

30 (b) If the hearing officer determines that there was probable cause to impound the
 31 vehicle, then the vehicle can be reclaimed only after payment of all outstanding parking

1 violations and traffic citations, the costs of the hearing, all towing and storage charges and the
2 costs of notice incurred by the Police Department in connection with the impoundment.

3 **Sec. 26-171. Same; redemption of the vehicle without a hearing; bond.**

4 (a) The owner or secured party of a vehicle which has been impounded may redeem such
5 vehicle without a hearing by paying all outstanding parking violations and traffic citations,
6 towing and storage charges and the costs of notice incurred by the Police Department in
7 connection with said impoundment.

8 (b) The owner or secured party may redeem the vehicle prior to a hearing without
9 waiving the right to a hearing by posting a bond in the amount of all outstanding parking
10 violations and traffic citations, towing and storage costs and the costs of notice incurred by the
11 Police Department accruing up to the scheduled date of the hearing. This bond shall be forfeited
12 in the event that the person requesting a hearing fails to attend the scheduled hearing or the
13 hearing officer determines that there was probable cause to impound the vehicle.

14 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
15 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
16 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
17 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
18 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
19 Act, since the same would have been enacted without the incorporation in this Act of any such
20 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
21 or section.

22 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
23 calendar days after it becomes law.

Adopted this 10th day of November, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.