

LR 1147: An Act to Require Towing Companies Notify Vehicle Owners and Lienholders Upon Receipt of a Vehicle

Summary

- Require notification to vehicle owners and lienholders by certified mail within forty-eight hours of tow. This only applies to vehicles titled in Maine.
- Changes SOS "notification" to a "Report." Adds to the previous "notification" content requirements to require the Report to have a copy of the notification and documentation of the condition of the vehicle (which could be photos).
- SOS Response to lienholders/owners must include a copy of the Report. Currently this is only shared if there is a hearing.
- Maintains that fees in excess of 14 days may not be charged if the Report was not done within 14 days.
- Adds that no fees may be charged prior to owner/lienholder notification
- Adds requirement for itemization of the invoice. States that there is no requirement to pay without an itemized invoice.

§1854. Notification of vehicle owner.

1. Notification in writing. ~~Except as provided in subsection 1-A, Within forty-eight hours of the time that a vehicle is taken into custody and stored, the owner of the premises where a vehicle described in section 1851 is located or the owner's agent shall give written notice by certified mail, return receipt requested, to the owner and any lienholders of that vehicle, that the owner or the owner's agent is in possession of that vehicle, provided the records of that vehicle are on file in the office of the Secretary of State, notify the Secretary of State that the owner or the owner's agent is in possession of that vehicle. The notification must be in writing and on a form provided by the Secretary of State.~~

[PL 2017, c. 240, §1 (AMD).]

~~**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.~~

[PL 2017, c. 240, §2 (NEW).]

~~**1-B. Notification to lienholder.** The owner of the premises where a vehicle described in section 1851, subsection 5 or 7 is stored or the owner's agent shall determine if the title is issued by the Secretary of State under section 657. If the title is issued by the Secretary of State under section 657, the owner of the premises or the owner's agent shall determine if a lienholder is identified on the title of the vehicle. If a lienholder is identified on the title of the vehicle, the owner of the premises or the owner's agent shall notify the lienholder that the owner or the owner's agent is in possession of the vehicle within 14 days after the earliest date on which the lienholder 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.~~

[PL 2021, c. 515, §1 (NEW).]

2. Contents of notification. A notification under subsection 1 ~~or 1-A~~ 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 into possession of the owner, the owner's agent or person in charge of the premises where the vehicle is located, under what

circumstances the vehicle came into that person's possession, an itemization of all charges and the condition of the vehicle, including whether the vehicle is salvage. The condition may be documented by photographs and/or written summary.

[PL 2021, c. 515, §1 (AMD).]

3. Report The owner of the premises where a vehicle is stored, or an owner's agent, shall notify the Secretary of State within 14 days of receipt of the vehicle that the owner or the owner's agent is in possession of that vehicle. The report must be in writing and on a form provided by the Secretary of State.

3-A. Contents of Report. A report must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This report also must include the date the vehicle came into possession of the owner, the owner's agent or person in charge of the premises where the vehicle is located, under what circumstances the vehicle came into that person's possession and whether the vehicle is salvage. The report must include proof of initial notification to owner and lienholder, if any.

34. Response. On receipt of a notification report under subsection ~~3-1~~ or ~~1-A~~, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, a copy of the report filed with the Secretary of State under subsection 3, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner must pay to the Secretary of State the fee required in section 603 to transfer the title. A copy of this letter must be provided to the person claiming ownership.

[PL 2021, c. 515, §1 (AMD).]

45. Publication. If the Secretary of State finds no record of a vehicle with respect to which the Secretary of State is notified under subsection ~~3-1~~ or ~~1-A~~, the owner of the premises where the vehicle is located shall publish a notice once in a newspaper of general circulation in the county where the premises is located. That notice must clearly:

A. Describe the vehicle by the year, make, model and vehicle identification number; [PL 1999, c. 137, §1 (AMD).]

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing, storage and repair within 14 days from the publication, ownership of the vehicle passes to the owner of the premises where the vehicle is located; and [PL 2011, c. 46, §2 (AMD).]

C. State how the owner of the premises may be contacted. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

§1856. Change of ownership

1. Evidence of compliance. A person who has complied with section 1854, subsection 4 shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 21 days after the date on which the person who has possession of and control over the vehicle reported to notified the Secretary of State by complying with section 1854, subsection ~~3-1~~ or ~~1-A~~ and section 1854, subsection ~~3-A~~ 2.

§1857. Limits

1. Storage Fees. If the report notification to the Secretary of State required by section 1854 is made more than 14 days after receipt of a vehicle described in section 1851 or if the report notification is not submitted to the Secretary of State, the person holding the vehicle may not collect more than 14 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$1,500 for a 30-day period. No fee may be charged for storage for any period before the date upon which notification in 1854 subsection 1 to the vehicle owner or lienholder was made. [PL 2021, c. 515, §2 (AMD).]

2. Requirement to itemize invoice. Before receiving payment for any charge relating to a vehicle towed pursuant to chapter 1851, the owner of the premises where a vehicle described in section 1851 or the owner's agent must itemize the invoice, in detail, for all costs incurred with the recovery, towing, cleanup, or storage of the towed vehicle or its contents.

3. No payment without itemization. A vehicle owner or lienholder who has received a notification in writing under chapter 1851 subsection 1 is not required to pay for any charge not itemized on the invoice under subsection 2.

4. Refusal. Failure to comply with this subchapter constitutes an unfair trade practice under Title 5, chapter 10.

DRAFT