

between wreckers and scrap processors as defined therein. However, in light of the strong presumption of constitutionality which attends the passage of a bill, we are unable to say that these distinctions on their face constitute a denial of equal protection of the laws.

Subsection (k)(5) presents an additional problem. This subsection makes it unlawful for a wrecker "to refuse to accept any vehicle or part thereof" unless the wrecker has reason to believe the vehicle has been stolen. We believe that subsection (k)(5) might be held to unduly restrict the lawful operation of a private business in violation of Article 23 of the Maryland Declaration of Rights. This is especially true in light of the requirement in subsection (n) of the Bill that a wrecker store no more than 250 vehicles on any one acre of property. While the Bill itself does bear a substantial relation to the public health, the provisions of subsection (k)(5) might well constitute an unreasonable exercise of the police powers. See *Dasch v. Jackson*, 170 Md. 251, 263-264 (1936).

If subsection (k)(5) is invalid, it would not, in our opinion, invalidate the remaining provisions of the Bill. Even though the Bill does not contain a "severability clause", it seems clear that without subsection (k)(5), the original legislative intent in enacting the Bill would be preserved and we, therefore, are of the opinion that the remainder of the Bill would not be affected in any event. *Baltimore v. A. S. Abell Co.*, 218 Md. 273 (1958).

It is also true that the title of the Bill refers to the licensing of scrap processors along with wreckers whereas the Bill actually does not provide for the licensing of scrap processors. However, we do not view this inaccurate limitation in the title as being misleading in the constitutional sense, but rather mere surplusage. *Pressman v. State Tax Comm.*, 204 Md. 78 (1954).

We trust this information will be helpful to you.

Sincerely,

/s/ Francis B. Burch,

*Attorney General.*

#### Senate Bill No. 16—Wreckers and Scrap Processors

An Act to repeal Sections 56, 67, 71, 71A, 71B, 71C and 71D of Article 66½ of the Annotated Code of Maryland (1967 Replacement Volume and 1967 Supplement), title "Motor Vehicles," subtitle "Administration—Registration—Titling," and to enact new Section 71 in lieu thereof, to stand in the place of the sections so repealed, to provide for the disposal of abandoned motor vehicles, the licensing of wreckers and scrap processors, the procedure for notifying the Department of Motor Vehicles of the scrapping, dismantling or destroying of motor vehicles, the authority of the Commissioner of Motor Vehicles to promulgate rules and regulations relating to wrecker and scrap processors, procedure for suspension or revocation of licenses of wreckers and scrap processors, procedure for appeals by wreckers and scrap processors from suspension or revocation of licenses, penalties for violation of certain provisions of the section, and for related purposes.

The President put the question, Shall the bill pass notwithstanding the objections of the Executive?