

Senate Bill No. 16—Wreckers and Scrap Processors

AN ACT to repeal Sections 56, 67, 71, 71A, 71B, 71C and 71D of Article 66 $\frac{1}{2}$ 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and to enact new Section 71 in lieu thereof, to stand in the place of the sections so repealed, to provide for the disposal of abandoned motor vehicles, the licensing of wreckers and scrap processors, the procedure for notifying the Department of Motor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.

May 7, 1968.

Honorable William S. James
President of the Senate
State House
Annapolis, Maryland

Dear Mr. President:

In accordance with Section 17 of Article II of the Maryland Constitution, I have vetoed today Senate Bill 16 and am returning it to you.

This bill would provide for the regulation of wreckers and scrap processors and the licensing of wreckers among other provisions. I am well aware of the problem of solid waste disposal and certainly commend the Legislative Council's committee on taxation and fiscal matters for their interest and work toward a novel solution. However, the difficulties with certain provisions of this bill are of such magnitude that I must register my disapproval.

The Attorney General, whose opinion is attached and is to be considered part of this veto message, has advised me that subsection (K) (5) may well be invalid. This provision, which would make it unlawful for a licensed wrecker to refuse to accept a junked auto, is the heart of the bill according to its proponents. Without it the bill loses much of its force in dealing with this problem.

I am sure also, that the legislature, had it known of the probable unconstitutionality of subsection (K) (5), would not have approved the bill which included it. Now that I have been made aware of the constitutional difficulty, I cannot overlook it and approve the bill on the basis that the other provisions could probably stand without the invalid provision.

I was also impressed by the testimony of the wreckers who appeared before me at a hearing on the bill. It seems clear that the taxing provisions of the measure could and would mean a serious economic hardship on those involved. I urge the legislature to consider this provision carefully and in so doing, examine again the desirability of a "Burial Tax" imposed at the time of sale and held in escrow for the point in time when an auto is ready to be scrapped.