

# HOUSE BILL 641

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By: **Delegates Stukes, Ali, Anderson, Barnes, Branch, Conaway, DeBoy, Glenn, Harrison, Haynes, Howard, Hucker, Kipke, Kirk, Lafferty, Manno, McIntosh, Nathan-Pulliam, Oaks, Robinson, Ross, Schuh, Valderrama, and Waldstreicher**

Introduced and read first time: February 8, 2007

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Towing or Removal of Vehicles from Parking Lots**

3 FOR the purpose of applying statewide certain provisions of law concerning the towing  
4 or removal of vehicles from certain parking lots; prohibiting the towing or  
5 removal of a vehicle from a certain parking lot unless the vehicle is impeding  
6 traffic or certain notice is given to the vehicle owner; requiring a parking lot  
7 owner to provide a certain notice to a vehicle owner that the vehicle will be  
8 towed or removed, except under certain circumstances; requiring the inclusion  
9 of certain information in the notice of towing or removal of a vehicle from a  
10 parking lot; providing that certain provisions of law concerning the towing or  
11 removal of vehicles from certain parking lots preempt any conflicting  
12 enactments of a county or municipal corporation; and generally relating to the  
13 towing or removal of vehicles from parking lots.

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 21–10A–01  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2006 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Transportation  
21 Section 21–10A–02 through 21–10A–06

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2006 Supplement)

3 BY adding to  
4 Article – Transportation  
5 Section 21–10A–02.1  
6 Annotated Code of Maryland  
7 (2006 Replacement Volume and 2006 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – Transportation**

11 21–10A–01.

12 (a) In this subtitle, “parking lot” means a privately owned facility consisting  
13 of 3 or more spaces for motor vehicle parking that is:

14 (1) Accessible to the general public; and

15 (2) Intended by the owner of the facility to be used primarily by the  
16 owner’s customers, clientele, residents, lessees, or guests.

17 (b) [(1) This subtitle applies only to the towing or removal of vehicles from  
18 parking lots in Baltimore City or Baltimore County.

19 (2)] Nothing in this subtitle prevents a local authority from exercising  
20 any power to adopt ordinances or regulations relating to the registration or licensing  
21 of persons engaged in the parking, towing or removal, or impounding of vehicles.

22 (c) This subtitle does not apply to an abandoned vehicle as defined in §  
23 25–201 of this article.

24 **(D) THIS SUBTITLE PREEMPTS CONFLICTING PROVISIONS ENACTED BY**  
25 **A COUNTY OR MUNICIPAL CORPORATION REGULATING THE TOWING OR**  
26 **REMOVAL OF VEHICLES FROM PARKING LOTS.**

27 21–10A–02.

28 (a) The owner or operator of a parking lot or the owner’s or operator’s agent  
29 may not have a vehicle towed or otherwise removed from the parking lot unless the

1 owner, operator, or agent has placed in conspicuous locations, as described in  
2 subsection (b) of this section, signs that:

3 (1) Are at least 24 inches high and 30 inches wide;

4 (2) Are clearly visible to the driver of a motor vehicle entering or being  
5 parked in the parking lot;

6 (3) State the location to which the vehicle will be towed or removed;

7 (4) State the hours during which the vehicle may be reclaimed;

8 (5) State the maximum amount that the owner of the vehicle may be  
9 charged for the towing or removal of the vehicle; and

10 (6) Provide the telephone number of a person who can be contacted to  
11 arrange for the reclaiming of the vehicle by its owner or the owner's agent.

12 (b) The signs described in subsection (a) of this section shall be placed to  
13 provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

14 **21-10A-02.1.**

15 (A) **A VEHICLE MAY BE TOWED OR REMOVED FROM A PARKING LOT**  
16 **ONLY IF THE VEHICLE:**

17 (1) **IMPEDES THE NORMAL FLOW OF TRAFFIC; OR**

18 (2) **IS TOWED OR REMOVED AFTER NOTICE HAS BEEN GIVEN TO**  
19 **THE OWNER OF THE VEHICLE, AT LEAST 24 HOURS BEFORE THE TOWING OR**  
20 **REMOVAL OCCURS, IN ACCORDANCE WITH SUBSECTIONS (B) AND (C) OF THIS**  
21 **SECTION.**

22 (B) **EXCEPT WHEN A VEHICLE IS BEING TOWED OR REMOVED BECAUSE**  
23 **IT IS IMPEDING THE NORMAL FLOW OF TRAFFIC, THE OWNER OF THE PARKING**  
24 **LOT SHALL PROVIDE NOTICE OF THE TOWING OR REMOVAL TO THE VEHICLE**  
25 **OWNER BY:**

26 (1) **TELEPHONE; OR**

1           **(2) PLACING A PRINTED NOTICE THAT IS AT LEAST 5 INCHES BY 8**  
2 **INCHES UNDER A FRONT WINDSHIELD WIPER OF THE VEHICLE.**

3           **(C) THE NOTICE OF THE TOWING OR REMOVAL SHALL INCLUDE:**

4           **(1) THE TIME THE NOTICE WAS GIVEN;**

5           **(2) THE TIME THE TOWING OR REMOVAL WILL TAKE PLACE, IF**  
6 **THE VEHICLE IS NOT REMOVED BY THE OWNER; AND**

7           **(3) THE NAME AND TELEPHONE NUMBER OF THE PERSON WHO**  
8 **AUTHORIZED THE TOWING OR REMOVAL OF THE VEHICLE.**

9 21-10A-03.

10           A vehicle may not be towed or otherwise removed from a parking lot to a  
11 location that is more than 10 miles from the parking lot.

12 21-10A-04.

13           A person who undertakes the towing or removal of a vehicle from a parking lot:

14           (1) May not charge the owner of the vehicle or the owner's agent:

15                   (i) More than twice the amount of the total fees normally  
16 charged or authorized by the political subdivision for the impound towing of vehicles;  
17 and

18                   (ii) Except as provided in § 16-207(f)(1) of the Commercial Law  
19 Article, more than \$8 per day for storage;

20           (2) Shall notify the police department in the jurisdiction where the  
21 parking lot is located within two hours after towing or removing the vehicle from the  
22 parking lot, and shall provide the following information:

23                   (i) A description of the vehicle including the vehicle's  
24 registration plate number and vehicle identification number;

25                   (ii) The date and time the vehicle was towed or removed;

26                   (iii) The reason the vehicle was towed or removed; and

1 (iv) The locations from which and to which the vehicle was  
2 towed or removed;

3 (3) Before towing or removing the vehicle, shall have authorization of  
4 the parking lot owner which shall include:

5 (i) The name of the person authorizing the tow or removal; and

6 (ii) A statement that the vehicle is being towed or removed at  
7 the request of the parking lot owner;

8 (4) Shall obtain commercial liability insurance in the amount of at  
9 least \$20,000 per occurrence to cover the cost of any damage to the vehicle resulting  
10 from the person's negligence;

11 (5) Shall obtain a surety bond in the amount of \$20,000 to guarantee  
12 payment of any liability incurred under this subtitle;

13 (6) May not employ individuals, commonly referred to as "spotters",  
14 whose primary task is to report the presence of unauthorized parked vehicles for the  
15 purposes of towing or removal, and impounding; and

16 (7) May not pay any remuneration to the owner of the parking lot.

17 21-10A-05.

18 If a vehicle is towed or otherwise removed from a parking lot, the person in  
19 possession of the vehicle shall:

20 (1) Immediately deliver the vehicle directly to a storage facility  
21 customarily used by the person undertaking the towing or removal of the vehicle; and

22 (2) Provide the owner of the vehicle or the owner's agent immediate  
23 and continuous opportunity, from the time the vehicle was received at the storage  
24 facility, to retake possession of the vehicle.

25 21-10A-06.

26 Any person who undertakes the towing or removal of a vehicle from a parking  
27 lot in violation of any provision of this subtitle:

28 (1) Shall be liable for actual damages sustained by any person as a  
29 direct result of the violation; and

1                   (2)     Shall be liable to the vehicle owner for triple the amount paid by  
2 the owner or the owner's agent to retake possession of the vehicle.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2007.