

HOUSE BILL 1339

R7

3lr2921

By: **Delegates Minnick and Anderson**
Introduced and read first time: February 8, 2013
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Towing, Recovery, and Storage – Methods of Payment**

3 FOR the purpose of repealing certain payment alternatives that under certain
4 circumstances allow a person that provides certain vehicle towing, recovery, or
5 storage services to avoid having to accept payment by at least two major,
6 nationally recognized credit cards; repealing the authority of a vehicle storage
7 facility to refuse to accept a personal check as payment under certain
8 circumstances; requiring a police department or other person that stores an
9 abandoned vehicle to accept payment for outstanding towing, preservation, and
10 storage charges by cash or at least two major, nationally recognized credit
11 cards; making a certain technical correction; and generally relating to methods
12 of payment for towing, recovery, and storage charges.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 21–10A–05(c) and 25–203
16 Annotated Code of Maryland
17 (2012 Replacement Volume)

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

20 **Article – Transportation**

21 21–10A–05.

22 (c) (1) [Subject to paragraph (2) of this subsection, a] **A** storage facility
23 that is in possession of a towed vehicle shall[:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Accept] ACCEPT payment for outstanding towing, recovery,
2 or storage charges by cash or at least two major, nationally recognized credit cards[;
3 and

4 (ii) If the storage facility accepts only cash, have an operable
5 automatic teller machine available on the premises].

6 (2) [(i) Except as provided in subparagraph (ii) of this paragraph, if
7 a storage facility is unable to process a credit card payment and does not have an
8 operable automatic teller machine on the premises, the storage facility shall accept a
9 personal check as payment for outstanding towing, recovery, and storage charges.

10 (ii) A storage facility may refuse to accept a personal check as
11 payment if it is unable to process a credit card for the payment because use of the
12 credit card has been declined by the credit card company.

13 (3)] A storage facility that is in possession of a towed vehicle shall
14 make the vehicle available to the owner, the owner's agent, the insurer of record, or a
15 secured party, under the supervision of the storage facility, for:

16 (i) Inspection; or

17 (ii) Retrieval from the vehicle of personal property that is not
18 attached to the vehicle.

19 25–203.

20 (a) (1) A police department may take any abandoned vehicle into custody.
21 For this purpose, the police department may use its own personnel, equipment, and
22 facilities or, subject to the provisions of subsection (b) of this section, use other
23 persons, equipment, and facilities for [removing] TOWING, preserving, and storing
24 abandoned vehicles.

25 (2) A POLICE DEPARTMENT OR OTHER PERSON THAT STORES AN
26 ABANDONED VEHICLE SHALL ACCEPT PAYMENT FOR OUTSTANDING TOWING,
27 PRESERVATION, AND STORAGE CHARGES BY CASH OR AT LEAST TWO MAJOR,
28 NATIONALLY RECOGNIZED CREDIT CARDS.

29 (b) A police department may not authorize the use of a tow truck under
30 subsection (a) of this section unless the tow truck is registered under § 13–920 of this
31 article.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2013.