

The **HOLLAND LAW FIRM**
for Consumer Rights

Peter A. Holland
Attorney at Law
peter@hollandlawfirm.com

The Holland Law Firm, P.C.
Mailing Address:
914 Bay Ridge Rd, Ste 230
Annapolis, MD 21403

March 4, 2024

Senator William C. Smith, Jr.
Chair, Judicial Proceedings Committee

RE: Senate Bill 0107 – Statutory Liens for Towing -- UNFAVORABLE

Dear Chair and Members of the Committee,

As one of the few law firms in Maryland that focusses on consumer protection, we have a ground-level view of many abusive, unfair and deceptive practices. At present, we are counsel in a putative class action against a Baltimore County towing company that engages in towing from a privately owned parking lot. The case is *Bosnick, et al v. Pollard's Towing Company*, Case No. C-03-CV-23-002122.

I am against Senate Bill 0107. On its face, the bill applies to someone who tows from a private lot “under Title 21, Subtitle 10A of the Transportation Article.” If passed, in the future this law could be used to try an end run around existing statutes and regulations around towing. For example, there could be litigation whether “under” Title 21, Subtitle 10A” gives a pass to someone who is not otherwise in full compliance with it.

But more importantly, this law is specifically designed to immunize and stop existing litigation in its tracks. Section 2 of this bill is the proof that it is trying to extinguish an existing lawsuit, presumably the case of *Hall v. HWS, LLC, et al.*, Civil Action No. 8:22-cv-00996-PJM:

That this Act shall be construed to **apply retroactively and shall be applied to and interpreted to affect any action for the wrongful retention of a motor vehicle** arising out of the towing or removal of the motor vehicle from a privately owned parking lot under Title 21, Subtitle 10A of the Transportation Article **occurring before the effective date of this Act.**

This body should not target existing lawsuits for erasure by legislative fiat, and to do so here would almost certainly be stricken down as unconstitutional by the Maryland Supreme Court. I urge you not to go down this path of creating special rights for special interests. To try and eliminate an existing lawsuit over vested rights is simply wrong.

Respectfully,

/s/ Peter A. Holland

Peter A. Holland

THE HOLLAND LAW FIRM, P.C.

914 Bay Ridge Rd, Ste 230

Annapolis, MD 21403

Telephone: (410) 280-6133

Facsimile: (410) 280-8650

peter@hollandlawfirm.com