



**Testimony to the Senate Judiciary Committee**

**SB107: Commercial Law-Statutory Liens-Motor Vehicles Towed or Removed from Parking Lots  
Position: Opposed**

March 5, 2024

The Honorable Senator William Smith, Chair  
Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, Maryland 21401

cc: Members, Judicial Proceedings Committee

Honorable Chair Smith and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a statewide coalition of individuals and organizations that advances economic rights and equity for Maryland families through research, education, direct service, and advocacy. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

SB107 seeks to overturn decisions established in multiple Maryland Courts<sup>1</sup> that state clearly that a trespass tower cannot hold onto a vehicle until all towing fees have been paid. The reasoning is clear-to do so creates perverse incentives for unscrupulous actors to tow more vehicles whether the tow is proper or not because they will be paid regardless.

SB107 is unconstitutional, violating the Maryland Constitution's due process clause. Retroactivity has been rejected time and time again and should certainly be done so again in this legislation.

Finally, this legislation seeks to interfere with litigation<sup>2</sup> pending before the Federal Court in Maryland and is inappropriate to bring forward while that case is moving.

For all these reasons, we strongly oppose SB107 and urge an unfavorable report,

Best,

Marceline White  
Executive Director

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<sup>1</sup> *T.R. v. Lee*, 55 Md. App. 629 (1983) *Cade, t/a G&G Towing v. Montgomery County*, 83 Md. App. 419, 427 (1990))

<sup>2</sup> *Hall v. HWS, LLC, et al.*, Civil Action No. 8:22-cv-00996-PJM