

HOUSE BILL 145

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1998 Regular Session
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By: **Delegate Wood (Task Force to Study Motor Vehicle Liens, Regulation of Towing Practices, and the Disposition of Unclaimed Vehicles)**

Introduced and read first time: January 19, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Regulation of Towing Practices**

3 FOR the purpose of requiring a tow truck operator to provide specified information to
4 an owner or driver of a vehicle under certain circumstances; providing that
5 certain violations constitute unfair or deceptive practices, subject to specified
6 enforcement and penalty provisions; modifying the cap on certain storage
7 charges; requiring that a person operating or offering a towing service be
8 licensed by the Motor Vehicle Administration; specifying certain exceptions to
9 the licensing requirements; requiring the Motor Vehicle Administration to adopt
10 certain regulations relating to the licensing of towing services; prohibiting
11 certain acts and establishing a criminal penalty; modifying the abandoned
12 vehicle law in relation to vehicles held by licensed tow truck operators following
13 certain tows; providing procedures for disposal of certain abandoned vehicles
14 subject to certain procedures; requiring certain record keeping; defining certain
15 terms; providing for the implementation of this Act and specifying legislative
16 intent as to its implementation; and generally relating to the regulation of the
17 towing services and towing practices throughout the State.

18 BY repealing and reenacting, with amendments,
19 Article - Commercial Law
20 Section 14-1001 and 14-1009 to be under the amended subtitle "Subtitle 10.
21 Automotive Repair Facilities and Towing Services"; and 16-207(f)(1)
22 Annotated Code of Maryland
23 (1990 Replacement Volume and 1997 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article - Commercial Law
26 Section 16-207(c)
27 Annotated Code of Maryland
28 (1990 Replacement Volume and 1997 Supplement)

29 BY repealing and reenacting, without amendments,
30 Article - Transportation

1 Section 1-102
2 Annotated Code of Maryland
3 (1993 Replacement Volume and 1997 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article - Transportation
6 Section 15-102, 15-104 through 15-111, inclusive, and 25-201(a)
7 Annotated Code of Maryland
8 (1992 Replacement Volume and 1997 Supplement)

9 BY adding to
10 Article - Transportation
11 Section 15-901 through 15-909, inclusive, to be under the new subtitle "Subtitle
12 9. Towing Service Licensing Act"; and 25-201(f) and 25-208.1
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 13-920, 21-10A-04(1), 25-201(b), and 25-203
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1997 Supplement)

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

22 **Article - Commercial Law**

23 Subtitle 10. Automotive Repair Facilities AND TOWING SERVICES.

24 14-1001.

25 (a) In this subtitle the following words have the meanings indicated.

26 (b) "Automotive repair facility" means any person who diagnoses or corrects
27 malfunctions of a motor vehicle for financial profit.

28 (c) "Motor vehicle" has the meaning stated in Title 11 of the Transportation
29 Article.

30 (d) "Person" includes an individual, corporation, business trust, estate, trust,
31 partnership, association, two or more persons having a joint or common interest, or
32 any other legal or commercial entity.

33 (E) "TOW TRUCK" HAS THE MEANING STATED IN § 13-920(A) OF THE
34 TRANSPORTATION ARTICLE.

1 (F) "TOW TRUCK OPERATOR" MEANS A PERSON WHO:

2 (1) PROVIDES TOWING SERVICES FOR FINANCIAL PROFIT; AND

3 (2) IS SUBJECT TO THE LICENSING REQUIREMENTS UNDER TITLE
4 15, SUBTITLE 9 OF THE TRANSPORTATION ARTICLE (TOWING SERVICE LICENSING
5 ACT).

6 (G) "TOWING SERVICE" HAS THE MEANING STATED IN § 15-901 OF THE
7 TRANSPORTATION ARTICLE.

8 14-1009.

9 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, BEFORE PROVIDING A
10 TOWING SERVICE AT THE REQUEST OF AN OWNER OF A MOTOR VEHICLE OR A
11 DRIVER IN POSSESSION OF THE VEHICLE, THE TOW TRUCK OPERATOR OR AN
12 EMPLOYEE OF THE TOW TRUCK OPERATOR SHALL GIVE TO THE OWNER OR DRIVER A
13 WRITTEN STATEMENT THAT CONTAINS:

14 (1) THE NAME AND ADDRESS OF THE TOW TRUCK OPERATOR;

15 (2) THE TOW TRUCK OPERATOR'S BUSINESS LICENSE NUMBER UNDER
16 TITLE 15, SUBTITLE 9 OF THE TRANSPORTATION ARTICLE (TOWING SERVICE
17 LICENSING ACT);

18 (3) THE COSTS OF THE TOWING SERVICE;

19 (4) THE PRICE OF ANY STORAGE CHARGE OR OTHER CHARGE THAT
20 MIGHT BE INCURRED DIRECTLY RELATED TO THE TOWING SERVICE;

21 (5) THE TIME PERIODS IN WHICH THE VEHICLE MAY BE RETRIEVED;
22 AND

23 (6) THE MANNER IN WHICH THE CHARGES MAY BE PAID.

24 (B) THE TOW TRUCK OPERATOR OR AN EMPLOYEE OF THE TOW TRUCK
25 OPERATOR SHALL:

26 (1) HAVE THE OWNER OF THE MOTOR VEHICLE OR THE DRIVER IN
27 POSSESSION OF THE VEHICLE SIGN THE STATEMENT;

28 (2) GIVE A COPY OF THE STATEMENT TO THE OWNER OR DRIVER IN
29 POSSESSION OF THE VEHICLE; AND

30 (3) RETAIN A COPY OF THE STATEMENT FOR THE TOW TRUCK
31 OPERATOR'S RECORDS.

32 (C) (1) IF THE OWNER OR DRIVER OF THE MOTOR VEHICLE WHO REQUESTS
33 THE TOWING SERVICE WILL NOT BE AVAILABLE AT THE TIME THE VEHICLE IS
34 TOWED, THE TOW TRUCK OPERATOR OR AN EMPLOYEE OF THE TOW TRUCK
35 OPERATOR SHALL:

1 (I) ORALLY PROVIDE THE INFORMATION REQUIRED UNDER
2 SUBSECTION (A) OF THIS SECTION TO THE INDIVIDUAL REQUESTING THE TOWING
3 SERVICE; AND

4 (II) RECORD ON THE STATEMENT THE NAME OF THE INDIVIDUAL
5 REQUESTING THE TOWING SERVICE AND THAT THE INDIVIDUAL WHO REQUESTED
6 THE TOW WAS NOT AVAILABLE TO RECEIVE THE WRITTEN STATEMENT AT THE TIME
7 THE VEHICLE WAS TOWED.

8 (2) THE TOW TRUCK OPERATOR SHALL:

9 (I) GIVE A COPY OF THE WRITTEN STATEMENT AT THE TIME THE
10 VEHICLE IS RETRIEVED TO THE OWNER OF THE VEHICLE OR TO THE INDIVIDUAL
11 WHO RETRIEVES THE VEHICLE ON BEHALF OF THE OWNER; AND

12 (II) RETAIN A COPY FOR THE TOW TRUCK OPERATOR'S RECORDS.

13 (D) A TOW TRUCK OPERATOR SHALL KEEP RECORDS REQUIRED UNDER THIS
14 SECTION FOR AT LEAST 3 YEARS.

15 14-1010.

16 A violation of any provision of this subtitle is an unfair or deceptive practice
17 within the meaning of Title 13 of this article and is subject to the enforcement and
18 penalty provisions contained in Title 13.

19 16-207.

20 (c) If a motor vehicle or mobile home which is subject to a lien is delivered by
21 the lienor to the possession of a third party for storage, and the charges for storage
22 are due and unpaid for 30 days or more, the third party holder is deemed to hold a
23 perfected security interest in the motor vehicle or mobile home notwithstanding §
24 13-202 of the Transportation Article and may sell the motor vehicle or mobile home in
25 the same manner as the lienor under this section if he has first published and sent
26 notice as required of the lienor under this subtitle.

27 (f) (1) If property is stored, storage fees of the third party holder may not
28 exceed [\$5] \$10 per day or a total of [\$300] \$600.

29 **Article - Transportation**

30 1-102.

31 Before any license or permit may be issued under this article to an employer to
32 engage in an activity in which the employer may employ a covered employee, as
33 defined in § 9-101 of the Labor and Employment Article, the employer shall file with
34 the issuing authority:

35 (1) A certificate of compliance with the Maryland Workers'
36 Compensation Act; or

1 (2) The number of a workers' compensation insurance policy or binder.

2 13-920.

3 (a) (1) In this section "tow truck" means a vehicle that:

4 (i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry
5 a vehicle by a hoist or mechanical apparatus;

6 (ii) Has a manufacturer's gross vehicle weight rating of 10,000
7 pounds or more; and

8 (iii) Is equipped as a tow truck or designed as a rollback as defined
9 in § 11-151.1 of this article.

10 (2) In this section "tow truck" does not include a truck tractor as defined
11 in § 11-172 of this article.

12 (b) When registered with the Administration every tow truck as defined in
13 this section is a Class T vehicle.

14 (c) [A] SUBJECT TO TITLE 15, SUBTITLE 9 OF THIS ARTICLE (TOWING SERVICE
15 LICENSING ACT), A tow truck registered under this section may be used to tow
16 vehicles for repair, storage, or removal from the highway.

17 (d) (1) Subject to the provisions of paragraph (2) of this subsection, for each
18 vehicle registered under this section, the annual registration fee is based on the
19 manufacturer's gross vehicle weight rating as follows:

20 Manufacturer's Gross Weight	
21 Rating (in Pounds)	Fee
22 10,000 (or less) to 26,000	\$100
23 More than 26,000	\$300

24 (2) (i) The annual registration fee for a vehicle registered under this
25 section that is used for any purpose other than that described in subsection (c) of this
26 section shall be determined under subparagraph (ii) of this paragraph if the
27 maximum gross weight of the vehicle or combination of vehicles:

28 1. Exceeds 18,000 pounds and the vehicle has a
29 manufacturer's gross weight rating of 26,000 pounds or less; or

30 2. Exceeds 35,000 pounds and the vehicle has a
31 manufacturer's gross weight rating of more than 26,000 pounds.

32 (ii) The annual registration fee shall be the greater of:

33 1. The fees set forth in paragraph (1) of this subsection; or

34 2. The fees set forth in § 13-916(b) of this subtitle.

1 (e) Notwithstanding §§ 24-104.1, 24-108, and 24-109 of this article, a tow
2 truck registered under this section, while engaged in a tow, may move a vehicle or
3 vehicle combination on a highway for safety reasons if:

4 (1) The tow truck and the vehicle or vehicle combination being towed
5 comply with all applicable statutory weight and size restrictions under Title 24 of this
6 article when measured or weighed separately; and

7 (2) The vehicle or vehicle combination is being towed by the safest and
8 shortest practical route possible to the vehicle's destination.

9 (f) Notwithstanding any other provision of this section, while engaged in
10 towing, a tow truck registered under this section is subject to:

11 (1) Weight restrictions imposed on restricted bridges; and

12 (2) All applicable statutory weight and size restrictions under Title 24 of
13 this article while being operated within the limits of Baltimore City, unless the
14 vehicle is being operated on an interstate highway.

15 (g) Except for tow trucks operated by dealers, automotive dismantlers and
16 recyclers, and scrap processors displaying special registration plates issued under
17 Title 13 of this article, the vehicle shall display a distinctive registration plate as
18 authorized by the Administration.

19 (h) A person who registers a tow truck under this section or operates a tow
20 truck in this State that is registered under the laws of another state shall:

21 (1) Obtain commercial liability insurance in the amount of at least
22 \$100,000 per person, \$300,000 per occurrence bodily injury liability, and \$100,000 per
23 occurrence property damage liability; and

24 (2) Provide a federal employer identification number and, if applicable to
25 the tow truck under federal requirements:

26 (i) A U.S. Department of Transportation motor carrier number; or

27 (ii) An Interstate Commerce Commission motor carrier authority
28 number.

29 (i) (1) Except as provided under paragraph (2) of this subsection, a person
30 may not operate a rollback in combination with a vehicle being towed unless the
31 rollback is registered as a tow truck.

32 (2) This subsection does not apply to a vehicle that is registered and
33 operated in accordance with § 13-621 or § 13-622 of this article.

34 (j) (1) This subsection applies only to a vehicle required to be registered in
35 the State.

1 (2) A person may not operate a tow truck for hire unless the tow truck is
2 registered under this section.

3 (3) A person convicted of operating a tow truck in violation of this
4 subsection shall be subject to a fine of up to \$3,000.

5 15-102.

6 (a) Each application for a license under this title shall be made on the form
7 that the Administration requires.

8 (b) In addition to any other information required by this title, each application
9 for a license under this title shall include:

10 (1) The name and address of the applicant;

11 (2) The address of the fixed location from which the licensed activity of
12 the applicant will be conducted;

13 (3) A statement of the maximum amount charged as a dealer processing
14 charge under § 15-311.1 of this title; and

15 (4) Any other information that the Administration requires.

16 (c) Each application for a license under this title shall:

17 (1) Contain a certification by the applicant that the information given in
18 it is true; and

19 (2) Be signed by:

20 (i) The applicant, if the applicant is an individual;

21 (ii) A partner or other authorized representative, if the application
22 is made for a partnership; or

23 (iii) An officer or other authorized representative, if the application
24 is made for a corporation.

25 (d) Except for an application for a drivers' school license, each application for a
26 license under this title shall be accompanied by the annual fee required for that
27 license.

28 15-104.

29 The Administration shall issue a license under this title to an applicant if:

30 (1) The applicant has complied with the provisions of this title that apply
31 to that license; and

32 (2) The applicant otherwise is entitled to a license.

1 15-105.

2 (a) (1) A person who is licensed under this title may conduct the licensed
3 activity only from a fixed location, as specified in the application for the license.

4 (2) The books of account and records of, except as otherwise specified by
5 law, the licensee shall be kept at that location.

6 (3) A person, who holds multiple licenses at more than one location and
7 has established a computerized data processing record keeping system at one of his
8 locations, may keep certain records, as designated by the Administrator, of all his
9 licensed activities at the centralized location; provided prior approval of the
10 Administrator has been granted.

11 (b) A licensee may not remove or relocate the location specified for the licensed
12 activity, unless the licensee has applied for and obtained a supplemental license from
13 the Administration.

14 (c) A licensee may not open any additional location other than a location
15 specified for the licensed activity, unless the licensee has applied for and obtained a
16 supplemental license from the Administration.

17 (d) Each licensee under this title shall maintain and keep records required by
18 this article.

19 (e) The records shall be kept for 3 years after the transaction to which it
20 applies.

21 (f) During business hours, the records of the licensee shall be open to
22 inspection by the Administration or any police officer while discharging his official
23 duties.

24 15-106.

25 (a) If, during any license year, there is any change in the information that a
26 licensee gave the Administration in obtaining a license under this title, the licensee
27 shall report the change to the Administration within 30 days after the change occurs.

28 (b) If, during any license year, there is any change in the information that a
29 licensee gave the Administration in retaining a license under this title, the licensee
30 shall report the change to the Administration within 30 days after the change occurs.

31 (c) The report under this section shall be made on the form that the
32 Administration requires.

33 (d) The licensee shall sign the form and certify that the information given in it
34 is true.

1 15-107.

2 If a license issued under this title is lost, stolen, mutilated, destroyed, or
3 becomes illegible, the Administration may issue a duplicate license on application and
4 payment of a fee established by the Administration. Before the Administration issues
5 a duplicate, it may require the licensee to furnish satisfactory proof of the loss, theft,
6 mutilation, destruction, or illegibility. When the Administration issues the duplicate,
7 the license previously issued is void.

8 15-108.

9 (a) Each license issued under this title expires on a staggered basis as
10 determined by the Administration.

11 (b) A license issued under this title may be renewed on application and
12 payment of the fee required by this title for that license.

13 15-109.

14 In addition to any other grounds specified in this title for refusal, suspension, or
15 revocation of a license, the Administration may refuse to grant a license under this
16 title to any person and may suspend, revoke, or refuse to renew the license of any
17 person if it finds that:

18 (1) The person has violated or is attempting to violate any provision of
19 this title or any rule or regulation adopted under this title;

20 (2) The person has violated or is attempting to violate any of the other
21 provisions of the Maryland Vehicle Law that relate to the business or activity of that
22 person; or

23 (3) Any officer, manager, agent, or employee of the person has violated or
24 is attempting to violate any provision of this title, any rule or regulation adopted
25 under this title, or any of the other provisions of the Maryland Vehicle Law that relate
26 to the business or activity of the person, unless the Administration is satisfied that
27 the individuals engaged in the management of the business or activity:

28 (i) Had no knowledge of the wrongful conduct; or

29 (ii) Were unable to prevent the violation or attempted violation.

30 15-110.

31 (a) If the Administration refuses an application for a license or for the renewal
32 of a license under this title, the applicant may request a hearing under Title 12,
33 Subtitle 2 of this article.

34 (b) The Administration may suspend or revoke a license issued under this title
35 only after a hearing under Title 12, Subtitle 2 of this article.

1 15-111.

2 (a) If the Administration suspends the license of any person licensed under
3 this title, the licensee immediately shall return the license to the Administration.

4 (b) If the Administration revokes the license of any person licensed under this
5 title, the licensee immediately shall return the license to the Administration.

6 SUBTITLE 9. TOWING SERVICE LICENSING ACT.

7 15-901.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "LICENSE" MEANS A LICENSE ISSUED BY THE ADMINISTRATION UNDER
11 THIS SUBTITLE TO PROVIDE TOWING SERVICES.

12 (C) "TOW TRUCK" HAS THE MEANING STATED IN § 13-920(A) OF THIS ARTICLE.

13 (D) "TOWING SERVICE" MEANS THE MOVING OR REMOVING OF A MOTOR
14 VEHICLE OR THE PREPARATION FOR MOVING OR REMOVING A MOTOR VEHICLE
15 USING A TOW TRUCK.

16 15-902.

17 THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO:

18 (1) A PERSON TOWING A MOTOR VEHICLE INTO OR THROUGH THE STATE
19 FROM A POINT OUTSIDE OF THE STATE;

20 (2) A BUSINESS USING A TOW TRUCK SOLELY FOR THE PURPOSES OF
21 SERVICING THE BUSINESS'S OWN FLEET;

22 (3) A TOW TRUCK OPERATED BY A FEDERAL, STATE, OR LOCAL
23 GOVERNMENT AGENCY; OR

24 (4) A TOW TRUCK THAT IS:

25 (I) OPERATED BY A LICENSED DEALER, LICENSED AUTOMOTIVE
26 DISMANTLER AND RECYCLER, OR A LICENSED SCRAP PROCESSOR; AND

27 (II) DISPLAYING SPECIAL REGISTRATION PLATES ISSUED UNDER
28 TITLE 13, SUBTITLE 6, PART III OF THIS ARTICLE.

29 15-903.

30 A PERSON MAY NOT OPERATE OR OFFER A TOWING SERVICE WITHOUT A
31 LICENSE ISSUED UNDER THIS SUBTITLE.

1 15-904.

2 (A) THE ADMINISTRATOR SHALL ADOPT REGULATIONS GOVERNING THE
3 LICENSING OF TOWING SERVICES AND A VISUAL MEANS OF PROOF OF LICENSURE
4 WITH WHICH EACH LICENSEE SHALL COMPLY.

5 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION:

6 (1) SHALL REQUIRE EVIDENCE OF COMPLIANCE WITH § 13-920 OF THIS
7 ARTICLE;

8 (2) SHALL REQUIRE A CERTIFICATE OF INSURANCE AS EVIDENCE THAT
9 THE APPLICANT OR LICENSEE IS IN COMPLIANCE WITH INSURANCE REQUIREMENTS
10 UNDER STATE LAW;

11 (3) SHALL REQUIRE THAT AN APPLICANT'S OR LICENSEE'S BUSINESS
12 LOCATION COMPLIES WITH LOCAL ZONING REQUIREMENTS;

13 (4) MAY ESTABLISH ADDITIONAL EQUIPMENT OR BUSINESS LOCATION
14 REQUIREMENTS;

15 (5) MAY ESTABLISH REQUIREMENTS PERTAINING TO RECORDS THAT A
16 LICENSEE IS REQUIRED TO KEEP;

17 (6) SHALL REQUIRE THAT A LICENSEE ACCEPT FOR PAYMENT OF
18 TOWING CHARGES AT LEAST TWO MAJOR CREDIT CARDS, CASH, AND MONEY
19 ORDERS;

20 (7) SHALL ESTABLISH LICENSE APPLICATION AND RENEWAL
21 REQUIREMENTS, INCLUDING AN ANNUAL LICENSE FEE;

22 (8) MAY ESTABLISH GROUNDS FOR REFUSAL, SUSPENSION, OR
23 REVOCATION OF A LICENSE IN ADDITION TO GROUNDS SPECIFIED IN SUBTITLE 1 OF
24 THIS TITLE OR THIS SUBTITLE; AND

25 (9) MAY REQUIRE ANY ADDITIONAL INFORMATION FROM AN APPLICANT
26 OR LICENSEE THAT THE ADMINISTRATION CONSIDERS NECESSARY FOR THE
27 ADMINISTRATION OF THIS SUBTITLE.

28 15-905.

29 A PERSON THAT OPERATES A TOWING SERVICE MAY NOT:

30 (1) HAVE A POLICE RADIO IN A TOW TRUCK UNLESS THE RADIO IS
31 REQUIRED UNDER A CONTRACT TO PROVIDE TOWING SERVICES WITH A LAW
32 ENFORCEMENT AGENCY;

33 (2) HAVE A SCANNER IN A TOW TRUCK;

34 (3) EMPLOY OR USE INDIVIDUALS COMMONLY REFERRED TO AS
35 SPOTTERS, WHOSE PRIMARY TASK IS TO REPORT MOTOR VEHICLES PARKED IN AN

1 UNAUTHORIZED LOCATION SO THAT THE VEHICLES MAY BE TOWED OR REMOVED
2 AND IMPOUNDED; OR

3 (4) PAY ANY REMUNERATION TO THE OWNER, EMPLOYEE, OR AGENT OF
4 THE OWNER OF A PRIVATE PARKING FACILITY BASED ON THE REMOVAL OF A MOTOR
5 VEHICLE FROM THE PARKING FACILITY.

6 15-906.

7 (A) IN ADDITION TO GROUNDS SPECIFIED IN SUBTITLE 1 OF THIS TITLE, THE
8 ADMINISTRATION MAY REFUSE TO ISSUE A LICENSE OR MAY SUSPEND OR REVOKE
9 THE LICENSE OF ANY PERSON IF IT FINDS THAT THE PERSON VIOLATED A
10 PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE.

11 (B) A PERSON THAT HAS A LICENSE REVOKED UNDER THIS SUBTITLE IS NOT
12 ENTITLED TO A NEW LICENSE FOR AT LEAST 2 YEARS AFTER THE LATER OF:

13 (1) THE REVOCATION OF THE LICENSE; OR

14 (2) THE RETURN OF THE LICENSE TO THE ADMINISTRATION.

15 15-907.

16 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THIS SUBTITLE DOES NOT
17 PREEMPT THE REGULATION OF TOWING PRACTICES BY A COUNTY OR MUNICIPAL
18 CORPORATION.

19 (B) A COUNTY OR MUNICIPAL CORPORATION MAY NOT USE THE SERVICES OF
20 A PERSON TO PROVIDE TOWING SERVICES UNLESS THE PERSON IS LICENSED AND IN
21 COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE AND REGULATIONS
22 ADOPTED UNDER IT.

23 15-908.

24 A PERSON THAT, ON OR AFTER OCTOBER 1, 1999, VIOLATES ANY PROVISION OF
25 THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER IT IS GUILTY OF A
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000
27 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

28 15-909.

29 THIS SUBTITLE MAY BE CITED AS THE "TOWING SERVICE LICENSING ACT".

30 21-10A-04.

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

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

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

1 (ii) Except as provided in § 16-207(f)(1) of the Commercial Law
2 Article, more than [§8] \$15 per day OR A TOTAL OF \$450 for storage;

3 25-201.

4 (a) In this subtitle the following words have the meanings indicated.

5 (b) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer:

6 (1) That is inoperable and left unattended on public property for more
7 than 48 hours;

8 (2) That has remained illegally on public property for more than 48
9 hours;

10 (3) That has remained on private property for more than 48 hours
11 without the consent of the owner or person in control of the property;

12 (4) That has remained in a garage for more than 10 days after the
13 garage keeper has given the owner of the vehicle notice by certified mail, return
14 receipt requested, bearing a postmark from the United States Postal Service, to
15 remove the vehicle;

16 (5) That has remained in a garage for more than 10 days after the period
17 when, by contract, the vehicle was to remain in the garage;

18 (6) That was left for more than 10 days in a garage by:

19 (i) Someone other than its registered owner; or

20 (ii) A person authorized to have possession of the vehicle under a
21 contract of use, service, storage, or repair;

22 (7) That has remained on public property for more than 48 hours; and

23 (i) Is not displaying currently valid registration plates; or

24 (ii) Is displaying registration plates of another vehicle;

25 (8) That has been left unattended on any portion of a "controlled access
26 highway" as defined in § 8-101(f) of this article for more than 24 hours;

27 (9) That has been left unattended on any portion of a primary or
28 secondary highway or controlled access highway, as defined in § 8-101 of this article,
29 and is in violation of any of the provisions of § 22-408 of this article; [or]

30 (10) THAT IS IN THE CUSTODY OF A LICENSED TOW TRUCK OPERATOR:

31 (I) AS THE RESULT OF:

1 1. A POLICE ORDERED TOW, WITHOUT THE CONSENT OF THE
2 OWNER OR DRIVER OF THE VEHICLE; OR

3 2. LAWFUL REMOVAL OF THE VEHICLE FROM PRIVATE
4 PROPERTY AT THE REQUEST OF THE OWNER OR PERSON IN CONTROL OF THE
5 PROPERTY, WITHOUT CONSENT OF THE OWNER OR DRIVER OF THE VEHICLE; AND

6 (II) HAS REMAINED UNCLAIMED AFTER THE TOW TRUCK
7 OPERATOR HAS GIVEN NOTICE TO THE OWNER OF THE VEHICLE, EACH SECURED
8 PARTY, AND THE INSURER OF THE VEHICLE IN ACCORDANCE WITH § 25-208.1 OF THIS
9 SUBTITLE; OR

10 (11) That is not reclaimed as provided under § 27-111 of this article.

11 (F) "LICENSED TOW TRUCK OPERATOR" MEANS A PERSON LICENSED UNDER
12 TITLE 15, SUBTITLE 9 OF THIS ARTICLE (TOWING SERVICE LICENSING ACT) TO
13 PROVIDE TOWING SERVICES.

14 25-203.

15 (a) A police department may take any abandoned vehicle into custody. For this
16 purpose, the police department may use its own personnel, equipment, and facilities
17 or, subject to the provisions of subsection (b) of this section, use other persons,
18 equipment, and facilities for removing, preserving, and storing abandoned vehicles.

19 (b) A police department may not authorize the use of a tow truck under
20 subsection (a) of this section unless [the]:

21 (1) THE tow truck is registered under § 13-920 of this article; AND

22 (2) THE TOW TRUCK OPERATOR IS LICENSED UNDER TITLE 15, SUBTITLE
23 9 OF THIS ARTICLE (TOWING SERVICE LICENSING ACT).

24 25-208.1.

25 (A) (1) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, WITHIN 7
26 BUSINESS DAYS OF OBTAINING CUSTODY OF A VEHICLE UNDER CIRCUMSTANCES
27 DESCRIBED IN § 25-201(B)(10)(I) OF THIS SUBTITLE, A LICENSED TOW TRUCK
28 OPERATOR SHALL GIVE NOTICE TO:

29 (I) THE OWNER OF THE VEHICLE, EACH SECURED PARTY, AND THE
30 INSURER OF THE VEHICLE, AS SHOWN ON THE RECORDS OF THE ADMINISTRATION,
31 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED; AND

32 (II) THE APPROPRIATE POLICE DEPARTMENT.

33 (2) THE NOTICE UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL:

34 (I) STATE THAT THE VEHICLE HAS BECOME ABANDONED AS
35 DESCRIBED UNDER § 25-201(B)(10)(I) OF THIS SUBTITLE;

1 (II) INCLUDE THE YEAR, MAKE, MODEL, AND VEHICLE
2 IDENTIFICATION NUMBER OF THE VEHICLE;

3 (III) GIVE THE LOCATION WHERE THE VEHICLE IS HELD;

4 (IV) INFORM THE OWNER, EACH SECURED PARTY, AND THE
5 INSURER OF THE VEHICLE OF THE RIGHT TO RECLAIM THE VEHICLE WITHIN 30 DAYS
6 AFTER THE DATE OF THE NOTICE ON PAYMENT OF TOWING AND STORAGE CHARGES;
7 AND

8 (V) STATE THAT FAILURE OF THE OWNER, SECURED PARTY, OR
9 INSURER TO RECLAIM THE VEHICLE WITHIN 30 DAYS CONSTITUTES:

10 1. A WAIVER OF ALL RIGHTS, TITLE, AND INTEREST IN THE
11 VEHICLE; AND

12 2. CONSENT TO DISPOSAL OF THE VEHICLE.

13 (3) IF STATE OR LOCAL LAW REQUIRES A LICENSED TOW TRUCK
14 OPERATOR TO PROVIDE NOTICE TO THE POLICE DEPARTMENT IN A TIME PERIOD
15 SHORTER THAN THE 7-DAY PERIOD UNDER PARAGRAPH (1)(II) OF THIS SECTION, THE
16 NOTICE REQUIREMENT ESTABLISHED UNDER THAT LAW SHALL APPLY.

17 (4) (I) IF A VEHICLE IS NOT RECLAIMED WITHIN 15 DAYS AFTER
18 NOTICE IS GIVEN UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LICENSED TOW
19 TRUCK OPERATOR SHALL AGAIN GIVE NOTICE BY CERTIFIED MAIL, RETURN RECEIPT
20 REQUESTED, TO THE OWNER OF THE VEHICLE, EACH SECURED PARTY, AND THE
21 INSURER OF THE VEHICLE AS SHOWN ON THE RECORDS OF THE ADMINISTRATION.

22 (II) THE NOTICE UNDER THIS PARAGRAPH SHALL:

23 1. CONTAIN THE INFORMATION REQUIRED UNDER
24 PARAGRAPH (2)(I) THROUGH (III) OF THIS SUBSECTION;

25 2. STATE THAT THE NOTICE CONSTITUTES A SECOND
26 NOTICE CONCERNING THE VEHICLE; AND

27 3. GIVE THE DATE BY WHICH THE VEHICLE SHALL BE
28 RECLAIMED TO AVOID DISPOSITION OF THE VEHICLE UNDER THIS SECTION.

29 (5) THE NOTICE REQUIREMENTS UNDER THIS SUBSECTION DO NOT
30 APPLY IF:

31 (I) WITHIN THE 7 BUSINESS DAYS UNDER PARAGRAPH (1) OF THIS
32 SUBSECTION, A POLICE DEPARTMENT TAKES CUSTODY OF THE VEHICLE; OR

33 (II) IN THE CASE OF A POLICE ORDERED TOW, THE CONTRACT
34 BETWEEN THE POLICE DEPARTMENT AND THE LICENSED TOW TRUCK OPERATOR
35 PROVIDES AN ALTERNATIVE NOTICE PROCEDURE.

36 (B) (1) THIS SUBSECTION DOES NOT APPLY:

1 (I) TO A VEHICLE WITH A MANUFACTURER'S GROSS VEHICLE
2 RATING OF 10,000 POUNDS OR MORE; OR

3 (II) IN A POLITICAL SUBDIVISION WHERE HIGHER CHARGES ARE
4 ALLOWED FOR STORAGE OF AN ABANDONED VEHICLE UNDER LOCAL LAW.

5 (2) IF THE OWNER OF THE VEHICLE, A SECURED PARTY, OR INSURER OF
6 THE VEHICLE RECLAIMS THE VEHICLE WITHIN 30 DAYS OF THE NOTICE UNDER
7 SUBSECTION (A) OF THIS SECTION:

8 (I) STORAGE CHARGES MAY NOT EXCEED \$15 PER DAY, STARTING
9 AS OF THE DATE THE NOTICE UNDER SUBSECTION (A)(1) OF THIS SECTION WAS
10 GIVEN, OR A TOTAL OF \$450; AND

11 (II) TOWING CHARGES MAY NOT EXCEED \$100.

12 (C) (1) THE LICENSED TOW TRUCK OPERATOR MAY APPLY TO THE
13 ADMINISTRATION FOR A CERTIFICATE OF DISPOSAL IF:

14 (I) THE POLICE DEPARTMENT FAILS TO TAKE CUSTODY OF THE
15 ABANDONED VEHICLE WITHIN 10 DAYS OF BEING NOTIFIED BY THE LICENSED TOW
16 TRUCK OPERATOR; AND

17 (II) THE OWNER, SECURED PARTY, OR INSURER OF THE VEHICLE
18 FAILS TO TAKE CUSTODY OF THE VEHICLE BY PAYING THE LICENSED TOW TRUCK
19 OPERATOR THE REQUIRED TOWING AND STORAGE CHARGES.

20 (2) THE ADMINISTRATION MAY NOT ISSUE A CERTIFICATE OF DISPOSAL
21 IF IT IS NOT SATISFIED THAT THE REQUIRED NOTICE REQUIREMENTS UNDER THIS
22 SECTION HAVE BEEN MET.

23 (3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON REQUEST OF A
24 LICENSED TOW TRUCK OPERATOR, THE ADMINISTRATION MAY SUBSTITUTE A
25 SALVAGE CERTIFICATE FOR A CERTIFICATE OF DISPOSAL.

26 (4) A LICENSED TOW TRUCK OPERATOR MAY NOT OBTAIN MORE THAN 5
27 SALVAGE CERTIFICATES UNDER THIS SUBSECTION WITHIN A 12-MONTH PERIOD.

28 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
29 General Assembly that the Motor Vehicle Administration shall stagger the issuance of
30 business licenses under the Towing Service Licensing Act enacted under Section 1 of
31 this Act in order that a license be issued at the time that the applicant first requests
32 or renews a registration on or after October 1, 1998 under § 13-920 of the
33 Transportation Article and that the licensing scheme be fully implemented by October
34 1, 1999. This section may not be construed as prohibiting a person from obtaining a
35 license under the Towing Service Licensing Act on or after October 1, 1998, but before
36 renewal of a registration, if the person is otherwise entitled to a license under the Act.

37 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding §
38 14-1009(b)(2) of the Commercial Law Article, as enacted by Section 1 of this Act, a

1 tow truck operator shall not be subject to any sanction for failure to provide a
2 business license number prior to the operator's licensure under the Towing Service
3 Licensing Act as intended under Section 2 of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That the Motor Vehicle
5 Administration, in promulgating regulations for the implementation of the Towing
6 Service Licensing Act, shall consult with representatives of the towing industry and
7 with other parties with an interest in the licensing of tow truck operators to ensure
8 implementation of the Act in a timely and cost effective manner.

9 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.