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By: **Charles County Delegation**

Introduced and read first time: February 11, 1998

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Transportation - Towing or Removing Vehicles from**  
3 **Parking Lots**

4 FOR the purpose of prohibiting a parking lot owner and certain other persons from  
5 towing or removing vehicles from a parking lot in Charles County unless certain  
6 signs have been placed at certain locations in the parking lot; limiting the  
7 distance that certain vehicles may be towed or removed and the amount that  
8 may be charged for towing or removal and storing the vehicle; requiring certain  
9 notice to be provided to a certain police department within a certain time of the  
10 towing or removal of a vehicle; requiring a person in possession of a towed or  
11 removed vehicle to immediately deliver a vehicle to a certain location and to  
12 provide the vehicle's owner continuous opportunity to retake possession of the  
13 vehicle under certain circumstances; requiring certain authorization from the  
14 owner of the parking lot to tow or remove the vehicle; requiring a person who  
15 tows or removes a vehicle from a parking lot under this Act to obtain certain  
16 liability insurance and a certain surety bond; prohibiting the employment of  
17 certain individuals and the payment of certain remuneration to a parking lot  
18 owner; establishing the liability for certain damages of a person who tows or  
19 removes a vehicle in violation of this Act; providing for the construction of this  
20 Act; defining a term; providing that this Act does not apply to certain abandoned  
21 vehicles; providing that this Act applies only to a parking lot in Charles County;  
22 and generally relating to the towing or removal of vehicles from parking lots in  
23 Charles County.

24 BY repealing and reenacting, with amendments,  
25 Article - Transportation  
26 Section 21-10A-01  
27 Annotated Code of Maryland  
28 (1992 Replacement Volume and 1997 Supplement)

29 BY repealing and reenacting, without amendments,  
30 Article - Transportation  
31 Section 21-10A-02 through 21-10A-06  
32 Annotated Code of Maryland

1 (1992 Replacement Volume and 1997 Supplement)

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

4 **Article - Transportation**

5 21-10A-01.

6 (a) In this subtitle, "parking lot" means a privately owned facility consisting of  
7 3 or more spaces for motor vehicle parking that is:

8 (1) Accessible to the general public; and

9 (2) Intended by the owner of the facility to be used primarily by the  
10 owner's customers, clientele, residents, lessees, or guests.

11 (b) (1) This subtitle applies only to the towing or removal of vehicles from  
12 parking lots in Baltimore City, [or] Baltimore County, OR CHARLES COUNTY.

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

16 (c) This subtitle does not apply to an abandoned vehicle as defined in §  
17 25-201 of this article.

18 21-10A-02.

19 (a) The owner or operator of a parking lot or the owner's or operator's agent  
20 may not have a vehicle towed or otherwise removed from the parking lot unless the  
21 owner, operator, or agent has placed in conspicuous locations, as described in  
22 subsection (b) of this section, signs that:

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

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

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

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

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

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

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

1 21-10A-03.

2 (A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A vehicle may not be  
3 towed or otherwise removed from a parking lot to a location that is more than 10  
4 miles from the parking lot.

5 (B) IN CHARLES COUNTY, A VEHICLE MAY BE TOWED OR REMOVED FROM A  
6 PARKING LOT TO A LOCATION UP TO 25 MILES FROM THE PARKING LOT IF THERE IS  
7 NO OTHER TOW SERVICE REASONABLY AVAILABLE WITHIN 10 MILES OF THE  
8 PARKING LOT.

9 21-10A-04.

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

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

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

14 (ii) Except as provided in § 16-207(f)(1) of the Commercial Law  
15 Article, more than \$8 per day for storage OR IN CHARLES COUNTY, \$15 PER DAY FOR  
16 STORAGE;

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

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

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

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

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

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

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

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

31 (4) Shall obtain commercial liability insurance in the amount of at least  
32 \$20,000 per occurrence to cover the cost of any damage to the vehicle resulting from  
33 the person's negligence;

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

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

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

7 21-10A-05.

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

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

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

15 21-10A-06.

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

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

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

22     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1998.