
By: **Charles County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 3, 1998

CHAPTER _____

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 FOR the purpose of authorizing the county commissioners of Charles County to
25 regulate the towing of vehicles in certain parking lots in Charles County; and
26 generally relating to the regulation of towing of vehicles in Charles County.

1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article - Transportation~~
 3 ~~Section 21-10A-01~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(1992 Replacement Volume and 1997 Supplement)~~

6 ~~BY repealing and reenacting, without amendments,~~
 7 ~~Article - Transportation~~
 8 ~~Section 21-10A-02 through 21-10A-06~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(1992 Replacement Volume and 1997 Supplement)~~

11 BY adding to
 12 Article - Transportation
 13 Section 21-1009
 14 Annotated Code of Maryland
 15 (1992 Replacement Volume and 1997 Supplement)

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

18 **Article - Transportation**

19 ~~21-10A-01.~~

20 (a) ~~In this subtitle, "parking lot" means a privately owned facility consisting of~~
 21 ~~3 or more spaces for motor vehicle parking that is:~~

22 (1) ~~Accessible to the general public; and~~

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

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

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

30 (c) ~~This subtitle does not apply to an abandoned vehicle as defined in §~~
 31 ~~25-201 of this article.~~

32 ~~21-10A-02.~~

33 (a) ~~The owner or operator of a parking lot or the owner's or operator's agent~~
 34 ~~may not have a vehicle towed or otherwise removed from the parking lot unless the~~

1 owner, operator, or agent has placed in conspicuous locations, as described in
2 subsection (b) of this section, signs that:

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

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

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

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

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

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

12 (b) The signs described in subsection (a) of this section shall be placed to
13 provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.
14 ~~21-10A-03.~~

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

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

22 ~~21-10A-04.~~

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

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

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

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

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

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

- 1 (ii) The date and time the vehicle was towed or removed;
2 (iii) The reason the vehicle was towed or removed; and
3 (iv) The locations from which and to which the vehicle was towed or
4 removed;

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

- 7 (i) The name of the person authorizing the tow or removal; and
8 (ii) A statement that the vehicle is being towed or removed at the
9 request of the parking lot owner;

10 (4) Shall obtain commercial liability insurance in the amount of at least
11 \$20,000 per occurrence to cover the cost of any damage to the vehicle resulting from
12 the person's negligence;

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

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

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

19 ~~21-10A-05.~~

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

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

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

27 ~~21-10A-06.~~

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

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

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

1 21-1009.

2 IN CHARLES COUNTY, THE COUNTY COMMISSIONERS MAY ADOPT ORDINANCES
3 AND REGULATIONS RELATING TO THE TOWING OR REMOVAL OF VEHICLES FROM
4 PRIVATELY OWNED PARKING LOTS.

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