
By: **Delegate Fulton**

Introduced and read first time: January 22, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Tow Truck Services - 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 tow
5 truck operators are liable for damage to certain property under certain
6 circumstances; providing that certain violations constitute unfair or deceptive
7 trade practices, subject to specified enforcement and penalty provisions;
8 requiring the Motor Vehicle Administration to adopt certain regulations and
9 create certain forms relating to towing services; authorizing the Motor Vehicle
10 Administration to establish and charge a fee for certain forms; prohibiting
11 certain acts and establishing a criminal penalty; requiring certain record
12 keeping; defining certain terms; and generally relating to the regulation of
13 towing services and towing practices throughout the State.

14 BY repealing and reenacting, with amendments,
15 Article - Commercial Law
16 Section 14-1001 to be under the amended subtitle "Subtitle 10. Automotive
17 Repair Facilities and Towing Services"; and 14-1009
18 Annotated Code of Maryland
19 (1990 Replacement Volume and 1998 Supplement)

20 BY adding to
21 Article - Commercial Law
22 Section 14-1009
23 Annotated Code of Maryland
24 (1990 Replacement Volume and 1998 Supplement)

25 BY adding to
26 Article - Transportation
27 Section 15-901 through 15-906, inclusive, to be under the amended title "Title
28 15. Vehicle Laws - Licensing and Regulation of Businesses and
29 Occupations" and the new subtitle "Subtitle 9. Towing Services Act"
30 Annotated Code of Maryland

1 (1998 Replacement Volume and 1998 Supplement)

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

4 **Article - Commercial Law**

5 Subtitle 10. Automotive Repair Facilities AND TOWING SERVICES.

6 14-1001.

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

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

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

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

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

17 (F) "TOW TRUCK OPERATOR" MEANS A PERSON WHO PROVIDES TOWING
18 SERVICES FOR FINANCIAL PROFIT.

19 (G) "TOWING SERVICE" MEANS THE MOVING OR REMOVING OF A MOTOR
20 VEHICLE OR THE PREPARATION FOR MOVING OR REMOVING A MOTOR VEHICLE
21 USING A TOW TRUCK.

22 14-1009.

23 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, BEFORE PROVIDING A
24 TOWING SERVICE AT THE REQUEST OF AN OWNER OF A MOTOR VEHICLE OR A
25 DRIVER IN POSSESSION OF THE VEHICLE, THE TOW TRUCK OPERATOR OR AN
26 EMPLOYEE OF THE TOW TRUCK OPERATOR SHALL GIVE TO THE OWNER OR DRIVER A
27 WRITTEN STATEMENT ON A FORM PREPARED BY THE MOTOR VEHICLE
28 ADMINISTRATION THAT CONTAINS:

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

30 (2) THE COSTS OF THE TOWING SERVICE;

31 (3) THE AMOUNT OF ANY STORAGE CHARGE OR OTHER CHARGE THAT
32 MIGHT BE INCURRED DIRECTLY RELATED TO THE TOWING SERVICE;

1 (4) THE TIME PERIODS IN WHICH THE VEHICLE MAY BE RETRIEVED;
2 AND

3 (5) THE MANNER IN WHICH THE CHARGES MAY BE PAID.

4 (B) THE TOW TRUCK OPERATOR OR AN EMPLOYEE OF THE TOW TRUCK
5 OPERATOR SHALL:

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

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

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

12 (C) (1) IF THE OWNER OR DRIVER IN POSSESSION OF THE MOTOR VEHICLE
13 WHO REQUESTS THE TOWING SERVICE WILL NOT BE AVAILABLE AT THE TIME THE
14 VEHICLE IS TOWED, THE TOW TRUCK OPERATOR OR AN EMPLOYEE OF THE TOW
15 TRUCK OPERATOR SHALL:

16 (I) ORALLY PROVIDE THE INFORMATION REQUIRED UNDER
17 SUBSECTION (A) OF THIS SECTION TO THE INDIVIDUAL REQUESTING THE TOWING
18 SERVICE; AND

19 (II) RECORD ON THE STATEMENT THE NAME OF THE INDIVIDUAL
20 REQUESTING THE TOWING SERVICE AND THAT THE INDIVIDUAL WHO REQUESTED
21 THE TOWING SERVICE WAS NOT AVAILABLE TO RECEIVE THE WRITTEN STATEMENT
22 AT THE TIME THE VEHICLE WAS TOWED.

23 (2) THE TOW TRUCK OPERATOR SHALL:

24 (I) AT THE TIME THE VEHICLE IS RETRIEVED, GIVE A COPY OF THE
25 WRITTEN STATEMENT TO THE OWNER OF THE VEHICLE OR TO THE INDIVIDUAL WHO
26 RETRIEVES THE VEHICLE ON BEHALF OF THE OWNER; AND

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

28 (D) A TOW TRUCK OPERATOR THAT UNDERTAKES THE TOWING OF A MOTOR
29 VEHICLE IS RESPONSIBLE FOR ALL DAMAGE TO THE MOTOR VEHICLE OR PROPERTY
30 INSIDE A MOTOR VEHICLE CAUSED BY THE TOWING.

31 (E) A TOW TRUCK OPERATOR SHALL KEEP RECORDS REQUIRED UNDER THIS
32 SECTION FOR AT LEAST 3 YEARS.

33 (F) THE MOTOR VEHICLE ADMINISTRATION:

34 (1) SHALL CREATE A STANDARDIZED FORM REFERENCED IN
35 SUBSECTION (A) OF THIS SECTION AND MAKE THE FORM AVAILABLE TO TOW TRUCK

1 OPERATORS IN ORDER FOR TOW TRUCK OPERATORS TO MAKE COPIES FOR THEIR
2 USE; AND

3 (2) MAY ESTABLISH AND CHARGE A FEE FOR MAKING THE FORM
4 AVAILABLE.

5 [14-1009.] 14-1010.

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

9 **Article - Transportation**

10 Title 15. Vehicle Laws - Licensing AND REGULATION of Businesses and
11 Occupations.

12 SUBTITLE 9. TOWING SERVICES ACT.

13 15-901.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

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

17 (C) "TOWING SERVICE" MEANS THE MOVING OR REMOVING OF A MOTOR
18 VEHICLE OR THE PREPARATION FOR MOVING OR REMOVING A MOTOR VEHICLE
19 USING A TOW TRUCK.

20 15-902.

21 A PERSON THAT OPERATES A TOWING SERVICE MAY NOT:

22 (1) HAVE A POLICE RADIO IN A TOW TRUCK UNLESS THE PERSON IS
23 PROVIDING TOWING SERVICES FOR A LAW ENFORCEMENT AGENCY UNDER A
24 CONTRACT THAT REQUIRES USE OF A POLICE RADIO;

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

26 (3) EMPLOY OR USE INDIVIDUALS COMMONLY REFERRED TO AS
27 SPOTTERS, WHOSE PRIMARY TASK IS TO REPORT MOTOR VEHICLES PARKED IN AN
28 UNAUTHORIZED LOCATION SO THAT THE VEHICLES MAY BE TOWED OR REMOVED
29 AND IMPOUNDED; OR

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

1 15-903.

2 UNLESS OTHERWISE AUTHORIZED BY LAW, A TOW TRUCK OPERATOR MAY NOT
3 TOW A MOTOR VEHICLE FROM PRIVATE PROPERTY WITHOUT THE CONSENT OF:

4 (1) THE OWNER OR DRIVER IN POSSESSION OF THE VEHICLE; OR

5 (2) THE OWNER OR PERSON IN CONTROL OF THE PROPERTY THAT MAY
6 LEGALLY REQUIRE REMOVAL OF THE MOTOR VEHICLE FROM THE PROPERTY.

7 15-904.

8 THIS SUBTITLE PREEMPTS CONFLICTING PROVISIONS ENACTED BY A COUNTY
9 OR MUNICIPAL CORPORATION REGULATING TOWING PRACTICES.

10 15-905.

11 A PERSON THAT VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
12 MISDEMEANOR AND IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR
13 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

14 15-906.

15 THIS SUBTITLE MAY BE CITED AS THE "TOWING SERVICES ACT".

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1999.