
By: **Delegates Jameson, Cluster, Conroy, Feldman, Haddaway, Impallaria,
Krebs, Love, Mayer, Miller, Minnick, Moe, Trueschler, Vallario, Vaughn,
and Wood**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law - Motor Vehicle Left on Private Property Without Consent**
3 **- Lien for Storage and Towing Charges**

4 FOR the purpose of providing that any person who, at the request of a property
5 owner, removes a motor vehicle that has remained on private property without
6 consent, has a lien on the motor vehicle for any storage or towing charges under
7 certain circumstances; providing a certain exception; requiring a person who
8 removes a motor vehicle from private property to provide certain notice to
9 certain secured parties; providing that a local law or ordinance regulating the
10 towing or impounding of vehicles does not prevent the creation of a lien as
11 provided in this Act; providing for the construction of this Act with respect to
12 certain local laws or ordinances; providing that the lien is created when the
13 charges are incurred; and generally relating to the creation of a lien for vehicle
14 towing and storage charges.

15 BY repealing and reenacting, with amendments,
16 Article - Commercial Law
17 Section 16-202(c)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2004 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 16-202.

24 (c) (1) Any person who, with the consent of the owner, has custody of a
25 motor vehicle and who, at the request of the owner, provides a service to or materials
26 for the motor vehicle, has a lien on the motor vehicle for any charge incurred for any:

27 (i) Repair or rebuilding;

1 (ii) Storage; or

2 (iii) Tires or other parts or accessories.

3 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH, ANY PERSON WHO, AT THE REQUEST OF A PROPERTY OWNER, REMOVES
5 A MOTOR VEHICLE THAT HAS REMAINED ON THE PROPERTY OWNER'S PRIVATE
6 PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE
7 MOTOR VEHICLE, HAS A LIEN ON THE MOTOR VEHICLE FOR ANY STORAGE OR
8 TOWING CHARGES INCURRED IF:

9 1. THE PROPERTY OWNER OR THE PROPERTY OWNER'S
10 AGENT HAS GIVEN WRITTEN AUTHORIZATION FOR THE MOTOR VEHICLE TO BE
11 TOWED;

12 2. THE PROPERTY FROM WHICH THE MOTOR VEHICLE WAS
13 TOWED WAS POSTED WITH A CLEARLY VISIBLE SIGN THAT:

14 A. COMPLIES WITH THE REQUIREMENTS OF § 21-10A-02 OF
15 THE TRANSPORTATION ARTICLE OR APPLICABLE COUNTY OR MUNICIPAL
16 ORDINANCE; AND

17 B. NOTIFIES THE OPERATOR OR OWNER OF A MOTOR
18 VEHICLE THAT A MOTOR VEHICLE MAY BE TOWED AND STORED AT THE OWNER'S
19 EXPENSE;

20 3. THE LOCAL POLICE DEPARTMENT WAS NOTIFIED WITHIN
21 24 HOURS AFTER THE MOTOR VEHICLE WAS TOWED AND PROVIDED WITH THE
22 LOCATION FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED; AND

23 4. THE LAST KNOWN REGISTERED OWNER OF THE MOTOR
24 VEHICLE, AS SHOWN ON THE RECORDS OF THE MOTOR VEHICLE ADMINISTRATION,
25 WAS NOTIFIED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITHIN 10 DAYS
26 AFTER THE MOTOR VEHICLE WAS TOWED OF THE FOLLOWING INFORMATION:

27 A. A DESCRIPTION OF THE MOTOR VEHICLE INCLUDING THE
28 MOTOR VEHICLE'S REGISTRATION PLATE NUMBER AND VEHICLE IDENTIFICATION
29 NUMBER;

30 B. THE DATE AND TIME THE MOTOR VEHICLE WAS TOWED;

31 C. THE REASON THE MOTOR VEHICLE WAS TOWED; AND

32 D. THE LOCATIONS FROM WHICH AND TO WHICH THE
33 MOTOR VEHICLE WAS TOWED.

34 (II) 1. NO LIEN SHALL ARISE OR BE CREATED UNDER
35 SUBPARAGRAPH (I) OF THIS PARAGRAPH IN CONNECTION WITH ANY MOTOR VEHICLE
36 SUBJECT TO A SECURITY INTEREST.

1 2. A PERSON WHO TOWS A MOTOR VEHICLE SUBJECT TO A
 2 SECURITY INTEREST FROM PRIVATE PROPERTY SHALL NOTIFY EACH SECURED
 3 PARTY WITHIN 7 DAYS AS PROVIDED FOR NOTIFICATION OF A REGISTERED OWNER
 4 IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

5 (III) A LOCAL LAW OR ORDINANCE REGULATING THE TOWING OR
 6 IMPOUNDMENT OF A MOTOR VEHICLE DOES NOT PREVENT THE CREATION OF A LIEN
 7 AS PROVIDED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

8 (IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
 9 PARAGRAPH, THIS PARAGRAPH MAY NOT BE CONSTRUED TO ALTER OR AFFECT ANY
 10 LOCAL LAW OR ORDINANCE REGULATING THE TOWING OR IMPOUNDING OF A
 11 MOTOR VEHICLE.

12 [(2)] (3) A lien is created under this subsection when any charges set out
 13 under paragraph (1) OR (2) of this subsection giving rise to the lien are incurred.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2005.