
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

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 2005

CHAPTER _____

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:

1

Article - Commercial Law

2 16-202.

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

6 (i) Repair or rebuilding;

7 (ii) Storage; or

8 (iii) Tires or other parts or accessories.

9 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH, ANY PERSON WHO, AT THE REQUEST OF A PROPERTY OWNER, REMOVES
11 A MOTOR VEHICLE THAT HAS REMAINED ON THE PROPERTY OWNER'S PRIVATE
12 PROPERTY WITHOUT THE CONSENT OF THE OWNER OR PERSON IN CONTROL OF THE
13 MOTOR VEHICLE, HAS A LIEN ON THE MOTOR VEHICLE FOR ANY STORAGE OR
14 TOWING CHARGES INCURRED IF:

15 1. THE PROPERTY OWNER OR THE PROPERTY OWNER'S
16 AGENT HAS GIVEN WRITTEN AUTHORIZATION FOR THE MOTOR VEHICLE TO BE
17 TOWED;

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

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

23 B. NOTIFIES THE OPERATOR OR OWNER OF A MOTOR
24 VEHICLE THAT A MOTOR VEHICLE MAY BE TOWED AND STORED AT THE OWNER'S
25 EXPENSE;

26 3. THE LOCAL POLICE DEPARTMENT WAS NOTIFIED WITHIN
27 24 HOURS AFTER THE MOTOR VEHICLE WAS TOWED AND PROVIDED WITH THE
28 LOCATION FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED; AND

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

33 A. A DESCRIPTION OF THE MOTOR VEHICLE INCLUDING THE
34 MOTOR VEHICLE'S REGISTRATION PLATE NUMBER AND VEHICLE IDENTIFICATION
35 NUMBER;

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

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

2 D. THE LOCATIONS FROM WHICH AND TO WHICH THE
3 MOTOR VEHICLE WAS TOWED.

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

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

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

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

18 [(2)] (3) A lien is created under this subsection when any charges set out
19 under paragraph (1) OR (2) of this subsection giving rise to the lien are incurred.

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