

HOUSE BILL 558

R7

9lr0395
CF SB 252

By: **Delegates Ali, Carr, Frush, Glenn, Serafini, Stein, and Stull**

Introduced and read first time: February 5, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Rental Car Parking Ticket Fairness Act**

3 FOR the purpose of repealing a provision of law that provides that an owner of a
4 rental vehicle is not liable for any penalty in excess of the original fine for a
5 parking violation under certain circumstances; providing that the owner of a
6 rental vehicle for which a parking citation is issued is not liable for payment of
7 the fine or for any penalty in excess of the fine under certain circumstances;
8 authorizing a political subdivision or State agency to mail a certain citation
9 under certain circumstances; prohibiting a political subdivision or State agency
10 from authorizing the placement of a certain wheel clamp on a rental vehicle;
11 defining certain terms; and generally relating to parking citations for rental
12 vehicles.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 26–301
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2008 Supplement)

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

20 **Article – Transportation**

21 26–301.

22 (a) In this subtitle, “officer” means a police officer or a person other than a
23 police officer who is authorized to issue a citation for a violation of an ordinance or
24 regulation that is adopted under this section.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) Subject to subsection (c) of this section, any State agency authorized by law and any political subdivision of this State may adopt ordinances or regulations that:

(1) Regulate the parking of vehicles;

(2) Provide for the impounding of vehicles parked in violation of the ordinances or regulations;

(3) Regulate the towing of vehicles from publicly owned and privately owned parking lots; and

(4) Provide for the issuance of a citation by an officer for a violation of an ordinance or regulation that is adopted under this section.

(c) A political subdivision may not adopt or enforce an ordinance or regulation that prohibits the parking of more than one motorcycle within a space served by a single parking meter.

(d) (1) (I) [In this subsection, "rental"] **IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) **"LESSEE" MEANS A PERSON WHO RENTS OR LEASES A RENTAL VEHICLE FROM THE OWNER OF THE RENTAL VEHICLE.**

(III) **"RENTAL vehicle"** means a vehicle that is rented or leased for a period not exceeding 180 days.

(IV) **"WHEEL CLAMP" MEANS A DEVICE, COMMONLY KNOWN AS A "BOOT", THAT IS PLACED ON A WHEEL OF A VEHICLE IN ORDER TO IMMOBILIZE THE VEHICLE.**

[(2) If a parking citation is issued for a rental vehicle, the owner is not liable for any penalty in excess of the original fine for a parking violation unless the owner fails to pay the fine or file a notice of intention to stand trial for the violation within the time specified in a notice of the infraction mailed to the business address of the owner.]

(2) **THE OWNER OF A RENTAL VEHICLE FOR WHICH A PARKING CITATION IS ISSUED IS NOT LIABLE FOR PAYMENT OF THE FINE OR OF ANY PENALTY IN EXCESS OF THE FINE IF:**

(I) **THE POLITICAL SUBDIVISION OR STATE AGENCY THAT ISSUED THE CITATION DOES NOT MAIL A NOTICE OF THE VIOLATION FOR WHICH THE PARKING CITATION WAS ISSUED TO THE BUSINESS ADDRESS OF THE OWNER WITHIN 90 DAYS OF THE ISSUANCE OF THE PARKING CITATION; OR**

1 (ii) 1. THE RENTAL VEHICLE WAS IN THE POSSESSION
2 OF A LESSEE OF THE RENTAL VEHICLE AT THE TIME THE PARKING CITATION
3 WAS ISSUED; AND

4 2. WITHIN 30 DAYS OF RECEIVING A MAILED NOTICE
5 OF THE VIOLATION FOR WHICH THE PARKING CITATION WAS ISSUED, THE
6 OWNER MAILES OR ELECTRONICALLY SENDS THE FOLLOWING INFORMATION TO
7 THE APPROPRIATE POLITICAL SUBDIVISION OR STATE AGENCY:

8 A. THE VIOLATION REFERENCE NUMBER;

9 B. THE NAME, ADDRESS, TELEPHONE NUMBER, AND
10 DRIVER'S LICENSE NUMBER OF THE LESSEE OF THE RENTAL VEHICLE;

11 C. THE NAME OF THE STATE IN WHICH THE RENTAL
12 VEHICLE IS REGISTERED AND THE RENTAL VEHICLE'S REGISTRATION NUMBER;
13 AND

14 D. THE OWNER'S RENTAL AGREEMENT NUMBER OR
15 TRANSACTION NUMBER IDENTIFYING THE RENTAL VEHICLE AS BEING SUBJECT
16 TO A VALID RENTAL AGREEMENT AT THE TIME OF THE VIOLATION.

17 (3) A POLITICAL SUBDIVISION OR STATE AGENCY THAT RECEIVES
18 INFORMATION CONCERNING A LESSEE UNDER PARAGRAPH (2)(II)2 OF THIS
19 SUBSECTION MAY MAIL A CITATION TO THE LESSEE.

20 [(3)] (4) If a political subdivision or State agency receives payment
21 for a parking violation from both the owner of the vehicle and the person who had
22 possession of the rental vehicle at the time the parking citation was issued, the
23 political subdivision or State agency shall reimburse the owner of the vehicle for the
24 amount paid by the owner for the violation.

25 (5) A POLITICAL SUBDIVISION OR STATE AGENCY MAY NOT
26 AUTHORIZE THE PLACEMENT OF A WHEEL CLAMP ON A RENTAL VEHICLE.

27 (e) Any State agency authorized by law and any political subdivision of the
28 State may establish public outreach efforts to educate law enforcement officers,
29 businesses, medical practitioners, and the general public as to parking laws and
30 regulations, including:

31 (1) The authority of law enforcement officers to enter private parking
32 lots used by the public; and

1 (2) Specific eligibility criteria for, and requirements for the lawful use
2 of, special registration plates and placards issued under Title 13, Subtitle 6 of this
3 article for individuals with disabilities.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.