

SENATE BILL 252

R7

9lr1996
CF 9lr0395

By: **Senator Astle**

Introduced and read first time: January 23, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Rental Vehicle 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 if the rental vehicle was in the
8 possession of a lessee of the vehicle at the time the parking citation was issued
9 and if, within a certain period of time of receiving a mailed notice of the
10 violation, the owner sends certain information in a certain manner to the
11 appropriate political subdivision or State agency; authorizing a political
12 subdivision or State agency to mail a certain citation under certain
13 circumstances; prohibiting a political subdivision or State agency from
14 authorizing the placement of a certain wheel clamp on a rental vehicle; defining
15 certain terms; and generally relating to parking citations for rental vehicles.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 26–301
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2008 Supplement)

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

23 **Article – Transportation**

24 26–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (1) Regulate the parking of vehicles;

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

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

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

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

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

19 (II) **“LESSEE” MEANS A PERSON WHO RENTS OR LEASES A**
20 **RENTAL VEHICLE FROM THE OWNER OF THE RENTAL VEHICLE.**

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

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

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

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

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

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

8 **1. THE VIOLATION REFERENCE NUMBER;**

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

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

14 **4. 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) 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.