

HOUSE BILL 654

R5

01r2085
CF 01r2595

By: **Delegates Impallaria, Jennings, McComas, and McDonough**

Introduced and read first time: February 3, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Towing and Removing Vehicles**

3 FOR the purpose of establishing that a vehicle may not be towed or removed from
4 private property in Harford County unless the owner of the property has posted
5 certain signs and makes a request for the towing or removal of the specific
6 vehicle; providing that an owner of private property may not contract with a
7 person for the towing or removal of a vehicle from the property under certain
8 circumstances; requiring the owner of property in Harford County to maintain
9 certain records and keep certain receipts relating to towed vehicles; prohibiting
10 a person who undertakes the towing or removal of a vehicle in Harford County
11 from charging more than certain amounts for fees or charges; requiring a person
12 who tows or removes a vehicle in Harford County to notify the Harford County
13 Sheriff's Office about the towing or removal and provide certain information,
14 register with the Harford County Sheriff's Office, and obtain certain liability
15 insurance and a certain surety bond; requiring the Harford County Sheriff's
16 Office to specify certain requirements concerning the posting of certain signs;
17 authorizing the Harford County Sheriff's Office to charge a certain fee;
18 requiring a person in possession of a vehicle towed or removed from property in
19 Harford County to take certain actions; establishing that a person who
20 undertakes the towing or removal of a vehicle from private property in Harford
21 County in violation of this Act must take certain actions and is subject to
22 certain liabilities and a certain civil penalty; establishing that a person who
23 requests that a vehicle be towed or removed from private property in Harford
24 County in violation of this Act is subject to a certain civil penalty; providing for
25 the application of this Act; defining a certain term; and generally relating to the
26 towing and removing of vehicles from private property in Harford County.

27 BY adding to

28 Article – Transportation

29 Section 21-10B-01 through 21-10B-06 to be under the new subtitle "Subtitle
30 10B. Towing or Removal of Vehicles in Harford County"

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2009 Supplement)

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

5 **Article – Transportation**

6 **SUBTITLE 10B. TOWING OR REMOVAL OF VEHICLES IN HARFORD COUNTY.**

7 **21-10B-01.**

8 (A) THIS SUBTITLE APPLIES ONLY TO THE TOWING OR REMOVAL OF
9 VEHICLES FROM PRIVATE PROPERTY IN HARFORD COUNTY.

10 (B) NOTHING IN THIS SUBTITLE PREVENTS A LOCAL AUTHORITY FROM
11 EXERCISING ANY POWER TO ADOPT ORDINANCES OR REGULATIONS RELATING
12 TO THE REGISTRATION OR LICENSING OF PERSONS ENGAGED IN THE PARKING,
13 TOWING OR REMOVAL, OR IMPOUNDING OF VEHICLES.

14 (C) THIS SUBTITLE DOES NOT APPLY TO:

15 (1) AN ABANDONED VEHICLE AS DEFINED IN § 25-201 OF THIS
16 ARTICLE; OR

17 (2) A VEHICLE BEING TOWED AT THE REQUEST OF THE OWNER OF
18 THE VEHICLE OR THE OWNER'S AGENT.

19 **21-10B-02.**

20 (A) IN THIS SECTION, "OWNER" INCLUDES:

21 (1) AN AGENT OF AN OWNER OF PRIVATE PROPERTY; OR

22 (2) A MEMBER OF A BOARD OR ASSOCIATION THAT EXERCISES
23 CONTROL OVER PRIVATE PROPERTY.

24 (B) A VEHICLE MAY NOT BE TOWED OR REMOVED FROM PRIVATE
25 PROPERTY IN THE COUNTY UNLESS:

26 (1) THE OWNER OF THE PROPERTY HAS POSTED SIGNS ON THE
27 PROPERTY IN ACCORDANCE WITH REQUIREMENTS SPECIFIED BY THE HARFORD
28 COUNTY SHERIFF'S OFFICE; AND

1 **(2) THE OWNER OF THE PROPERTY MAKES A REQUEST FOR THE**
2 **TOWING OR REMOVAL OF THE SPECIFIC VEHICLE.**

3 **(C) AN OWNER OF PROPERTY MAY NOT CONTRACT WITH A PERSON FOR**
4 **THE TOWING OR REMOVAL OF VEHICLES FROM THE PROPERTY IF THE PERSON**
5 **OR THE PERSON'S EMPLOYEES OR AFFILIATES ARE:**

6 **(1) MEMBERS OF THE BOARD OR ASSOCIATION EXERCISING**
7 **CONTROL OVER THE PROPERTY;**

8 **(2) REPRESENTATIVES OF THE OWNER OF THE PROPERTY; OR**

9 **(3) RELATED TO THE OWNER OF THE PROPERTY OR A MEMBER**
10 **OF THE BOARD OR ASSOCIATION EXERCISING CONTROL OVER THE PROPERTY.**

11 **(D) AN OWNER OF PROPERTY SHALL:**

12 **(1) MAINTAIN A LOG OF ALL REQUESTS MADE FOR VEHICLES TO**
13 **BE TOWED OR REMOVED FROM THE PROPERTY; AND**

14 **(2) KEEP, WITH THE LOG MAINTAINED UNDER THIS SUBSECTION,**
15 **RECEIPTS FOR ANY TOWING SERVICE PROVIDED TO THE OWNER OF THE**
16 **PROPERTY.**

17 **21-10B-03.**

18 **A PERSON WHO UNDERTAKES THE TOWING OR REMOVAL OF A VEHICLE**
19 **FROM PRIVATE PROPERTY OR THE STORAGE OF A TOWED VEHICLE:**

20 **(1) MAY NOT CHARGE THE OWNER OF THE VEHICLE OR THE**
21 **OWNER'S AGENT:**

22 **(I) MORE THAN \$60 FOR THE TOWING FEE, REGARDLESS**
23 **OF THE NUMBER OF MILES THE VEHICLE IS TOWED;**

24 **(II) MORE THAN \$20 PER DAY FOR STORAGE;**

25 **(III) A STORAGE FEE FOR THE FIRST 24 HOURS THAT THE**
26 **VEHICLE IS STORED;**

27 **(IV) ANY FEES OR CHARGES FOR STORAGE ON DAYS THAT**
28 **THE OWNER OF THE VEHICLE OR THE OWNER'S AGENT CANNOT RECOVER THE**
29 **VEHICLE BECAUSE THE LOCATION WHERE THE VEHICLE IS STORED IS CLOSED**
30 **FOR BUSINESS; OR**

1 **(V) ANY ADDITIONAL FEES OR CHARGES OTHER THAN**
2 **THOSE AUTHORIZED UNDER THIS SUBTITLE;**

3 **(2) SHALL NOTIFY THE HARFORD COUNTY SHERIFF'S OFFICE**
4 **BEFORE TOWING OR REMOVING THE VEHICLE FROM THE PROPERTY, AND SHALL**
5 **PROVIDE THE FOLLOWING INFORMATION:**

6 **(I) A DESCRIPTION OF THE VEHICLE, INCLUDING THE**
7 **VEHICLE'S REGISTRATION PLATE NUMBER AND VEHICLE IDENTIFICATION**
8 **NUMBER;**

9 **(II) THE DATE AND TIME THE VEHICLE WILL BE TOWED OR**
10 **REMOVED;**

11 **(III) THE REASON THE VEHICLE WILL BE TOWED OR**
12 **REMOVED; AND**

13 **(IV) THE LOCATIONS FROM WHICH AND TO WHICH THE**
14 **VEHICLE WILL BE TOWED OR REMOVED;**

15 **(3) BEFORE TOWING OR REMOVING THE VEHICLE, SHALL HAVE**
16 **THE PROPERTY OWNER'S AUTHORIZATION, WHICH SHALL INCLUDE:**

17 **(I) THE NAME OF THE PERSON AUTHORIZING THE TOW OR**
18 **REMOVAL; AND**

19 **(II) A STATEMENT THAT THE VEHICLE IS BEING TOWED OR**
20 **REMOVED AT THE REQUEST OF THE PROPERTY OWNER, THE OWNER'S AGENT,**
21 **OR A MEMBER OF THE BOARD OR ASSOCIATION EXERCISING CONTROL OVER**
22 **THE PROPERTY;**

23 **(4) SHALL REGISTER WITH THE HARFORD COUNTY SHERIFF'S**
24 **OFFICE AND KEEP CONTACT INFORMATION CURRENT;**

25 **(5) SHALL OBTAIN COMMERCIAL LIABILITY INSURANCE IN THE**
26 **AMOUNT OF AT LEAST \$20,000 PER OCCURRENCE TO COVER THE COST OF ANY**
27 **DAMAGE TO THE VEHICLE RESULTING FROM THE PERSON'S NEGLIGENCE; AND**

28 **(6) SHALL OBTAIN A SURETY BOND IN THE AMOUNT OF \$20,000**
29 **TO GUARANTEE PAYMENT OF ANY LIABILITY INCURRED UNDER THIS SUBTITLE.**

30 **21-10B-04.**

1 **(A) THE HARFORD COUNTY SHERIFF'S OFFICE SHALL SPECIFY**
2 **REQUIREMENTS FOR THE POSTING OF SIGNS ON PROPERTY SPECIFYING**
3 **WHETHER PARKING IS ALLOWED ON THE PROPERTY.**

4 **(B) THE HARFORD COUNTY SHERIFF'S OFFICE MAY CHARGE AN**
5 **ANNUAL FEE TO PERSONS REGISTERED UNDER § 21-10B-03(4) OF THIS**
6 **SUBTITLE TO COVER THE COST OF MAINTAINING THE RECORDS OF**
7 **REGISTRATION.**

8 **21-10B-05.**

9 **IF A VEHICLE IS TOWED OR OTHERWISE REMOVED FROM PRIVATE**
10 **PROPERTY, THE PERSON IN POSSESSION OF THE VEHICLE SHALL:**

11 **(1) IMMEDIATELY DELIVER THE VEHICLE DIRECTLY TO A**
12 **STORAGE FACILITY CUSTOMARILY USED BY THE PERSON UNDERTAKING THE**
13 **TOWING OR REMOVAL OF THE VEHICLE;**

14 **(2) WITHIN 2 BUSINESS DAYS AFTER TOWING OR REMOVING THE**
15 **VEHICLE, SEND A LETTER BY CERTIFIED MAIL TO THE OWNER AND LIENHOLDER**
16 **OF THE VEHICLE NOTIFYING THE OWNER AND LIENHOLDER OF:**

17 **(I) THE LOCATION OF THE VEHICLE;**

18 **(II) THE HOURS DURING WHICH THE VEHICLE MAY BE**
19 **RECLAIMED; AND**

20 **(III) THE CHARGES THAT MAY BE INCURRED FOR THE**
21 **TOWING AND STORAGE OF THE VEHICLE; AND**

22 **(3) KEEP A RECORD OF THE NOTIFICATION REQUIRED UNDER**
23 **ITEM (2) OF THIS SECTION FOR A MINIMUM OF 1 YEAR AND MAKE THAT RECORD**
24 **AVAILABLE FOR INSPECTION BY THE HARFORD COUNTY SHERIFF'S OFFICE ON**
25 **REQUEST.**

26 **21-10B-06.**

27 **(A) ANY PERSON WHO UNDERTAKES THE TOWING OR REMOVAL OF A**
28 **VEHICLE FROM PRIVATE PROPERTY IN VIOLATION OF ANY PROVISION OF THIS**
29 **SUBTITLE:**

30 **(1) SHALL RETURN THE VEHICLE TO THE OWNER OF THE**
31 **VEHICLE AT THE PERSON'S EXPENSE;**

1 **(2) IS LIABLE FOR ACTUAL DAMAGES SUSTAINED BY ANY PERSON**
2 **AS A DIRECT RESULT OF THE VIOLATION;**

3 **(3) IS LIABLE TO THE VEHICLE OWNER FOR TRIPLE THE AMOUNT**
4 **PAID BY THE OWNER OR THE OWNER'S AGENT TO RETAKE POSSESSION OF THE**
5 **VEHICLE; AND**

6 **(4) IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000.**

7 **(B) A PERSON WHO REQUESTS THAT A VEHICLE BE TOWED OR**
8 **REMOVED FROM PRIVATE PROPERTY IN VIOLATION OF THIS SUBTITLE IS**
9 **SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.