

HOUSE BILL 781

R7

3lr2608
CF SB 987

By: **Delegate Gilchrist**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2013

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Towing or Removal of Vehicles – ~~Mailing Charges~~ Notice**

3 FOR the purpose of altering the ~~costs that~~ authority of a person who tows or removes a
4 vehicle from a parking lot ~~may~~ to charge certain persons for providing the
5 required notice of the tow or removal; altering the time period within which a
6 person that tows or removes a vehicle from a parking lot is required to provide
7 certain notice to certain persons; and generally relating to authorized notice
8 charges for the towing or removal of a vehicle from a parking lot.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 21–10A–04
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

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

16 **Article – Transportation**

17 21–10A–04.

18 (a) Unless otherwise set by local law, a person who undertakes the towing or
19 removal of a vehicle from a parking lot:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) May not charge the owner of the vehicle, the owner's agent, the
2 insurer of record, or any secured party more than:

3 (i) Twice the amount of the total fees normally charged or
4 authorized by the political subdivision for the public safety impound towing of
5 vehicles;

6 (ii) Notwithstanding § 16-207(f)(1) of the Commercial Law
7 Article, the fee normally charged or authorized by the political subdivision from which
8 the vehicle was towed for the daily storage of impounded vehicles;

9 (iii) If a political subdivision does not establish a fee limit for the
10 public safety towing, recovery, or storage of impounded vehicles, \$250 for towing and
11 recovering a vehicle and \$30 per day for vehicle storage; and

12 (iv) ~~The~~ **SUBJECT TO SUBSECTION (B) OF THIS SECTION,**
13 **THE** actual cost of ~~MAILING COSTS FOR~~ providing notice under this section;

14 (2) Shall notify the police department in the jurisdiction where the
15 parking lot is located within 1 hour after towing or removing the vehicle from the
16 parking lot, and shall provide the following information:

17 (i) A description of the vehicle including the vehicle's
18 registration plate number and vehicle identification number;

19 (ii) The date and time the vehicle was towed or removed;

20 (iii) The reason the vehicle was towed or removed; and

21 (iv) The locations from which and to which the vehicle was
22 towed or removed;

23 (3) Shall notify the owner, any secured party, and the insurer of record
24 by certified mail, return receipt requested, and first-class mail within ~~3~~ **7** days,
25 exclusive of days that the towing business is closed, after towing or removing the
26 vehicle, and shall provide the same information required in a notice to a police
27 department under item (2) of this subsection;

28 (4) Shall provide to the owner, any secured party, and the insurer of
29 record the itemized actual costs of providing notice under this section;

30 (5) Before towing or removing the vehicle, shall have authorization of
31 the parking lot owner which shall include:

32 (i) The name of the person authorizing the tow or removal;

1 (ii) A statement that the vehicle is being towed or removed at
2 the request of the parking lot owner; and

3 (iii) Photographic evidence of the violation or event that
4 precipitated the towing of the vehicle;

5 (6) Shall obtain commercial liability insurance in the amount required
6 by federal law for transporting property in interstate or foreign commerce to cover the
7 cost of any damage to the vehicle resulting from the person's negligence;

8 (7) May not employ or otherwise compensate individuals, commonly
9 referred to as "spotters", whose primary task is to report the presence of unauthorized
10 parked vehicles for the purposes of towing or removal, and impounding;

11 (8) May not pay any remuneration to the owner, agent, or employee of
12 the parking lot; and

13 (9) May not tow a vehicle solely for a violation of failure to display a
14 valid current registration under § 13-411 of this article until 72 hours after a notice of
15 violation is placed on the vehicle.

16 (b) A PERSON MAY NOT CHARGE FOR THE ACTUAL COST OF PROVIDING
17 NOTICE UNDER SUBSECTION (A)(1)(IV) OF THIS SECTION IF THE VEHICLE
18 OWNER, THE OWNER'S AGENT, THE INSURER OF RECORD, OR ANY SECURED
19 PARTY RETAKES POSSESSION OF THE VEHICLE WITHIN 48 HOURS AFTER THE
20 VEHICLE WAS RECEIVED AT THE STORAGE FACILITY.

21 (c) The Administration shall:

22 (1) Establish and maintain a database containing the proper address
23 for providing notice to an insurer under subsection (a)(3) of this section for each
24 insurer authorized to write a vehicle liability insurance policy in the State; and

25 (2) Make the database available to any tower free of charge.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2013.