

HOUSE BILL 781

R7

3lr2608

By: **Delegate Gilchrist**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

14 **Article – Transportation**

15 21–10A–04.

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

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

20 (i) Twice the amount of the total fees normally charged or
21 authorized by the political subdivision for the public safety impound towing of
22 vehicles;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (iv) The [actual cost of] **MAILING COSTS FOR** providing notice
8 under this section;

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

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

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

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

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

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

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

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

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

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

30 (iii) Photographic evidence of the violation or event that
31 precipitated the towing of the vehicle;

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

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

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

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

12 (b) The Administration shall:

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

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

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