

SB 545 Towing of Vehicles Reclamation Hours - Spon

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Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator C. Anthony Muse

**SB 545: Towing or Removal of Vehicles – Reclamation Hours
Judicial Proceedings Committee – March 2, 2023**

Good Afternoon Mr. Chairman, Vice Chairman and members of the JPR Committee.

SB 545 would change the hours in which a towed vehicle may be reclaimed, which currently is 24 hours a day and 7 days a week to a minimum of 6:00am to 12-midnight, 7 days a week. Currently, contractors who tow on behalf of the Maryland State Police are only required to make vehicles available for reclamation Monday–Friday from 8:00am to 6:00pm and Saturday–Sunday from 9am to 12noon. This legislation is not asking for the reduction of hours to meet those of the Maryland State Police, but simply a reasonable request of 7 days a week from 6:00am to 12-midnight. Thus, SB 545 allows private property tow operators to operate under the same reasonable and safer hours that government contracted tow operators.

In addition, tow companies encounter the most dangerous elements of society between the hours of midnight and 6:00am when they are forced to make towed vehicles available during that window of time. The number of threats and assaults against operators and their property during this time frame is well documented with law enforcement and insurance companies. In fact, there are two instances where tow truck operators were killed at work in the last 5 years.

In closing, on all properties where private tow operators are lawfully contracted for towing enforcement, there is signage stating the requirements for parking on the property. Therefore, the driver of the vehicle makes a conscious decision to illegally park.

Thank you in advance for your consideration and I ask for a FAVORABLE report on SB 545.

Capitol Connection Testimony.pdf

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Thursday, March 2, 2023

Senate Bill 545

Senate Bill 545 allows Private Property Contracted Tow operators to limit the hours an impounded vehicle may be reclaimed. Currently, state law mandates that this selected class of tow operators make any vehicle they have impounded available for reclamation 24 hours a day, 7 days a week. Alternatively, the government-contracted tow operators have limited hours upon which they must make a vehicle available for reclamation. As an example, tow operators who are contracted to impound on behalf of the Maryland State Police, only have to make vehicles available for reclamation Monday - Friday 8am to 6pm, and 9am to 12pm on Saturday and Sunday. Another example is tow operators who impound on behalf of the Prince George's County Police; they too have the same limited hours for vehicle reclamation as the state police. These examples of limited hours for government-contracted tow operators are prevalent in every jurisdiction throughout the state of Maryland and it is grossly unfair.

One must ask, why is there a requirement for tow operators contracted by private properties such as apartment complexes and HOAs to make reclamation available 24 hours a day, 7 days a week when tow operators contracted by the government have the benefit of limited hours? I've heard the weak argument that if you can impound a vehicle 24 hours a day 7 days a week, people should be allowed to reclaim their vehicles within those same hours. If that was a good rationale for public policy, then state law would make government-authorized impounds available to be reclaimed 24 hours a day seven days a week also. But that's not the case. If you leave your vehicle parked illegally in front of the State House or leave your car in the middle of Rowe Blvd. at 1am, guess what will happen? You will get impounded, and you won't be able to reclaim your vehicle until 9am. There is no good policy reason why the state has separate conditions for tow operators based upon whom they are contracted with. There should be uniformity within the industry and state law should not be unfair, nor create two separate tow operators classes.

Another reason why Senate Bill 545 is needed, and critical at this particular time, has to do with safety within the industry. There have been two tow truck operators killed in the last 5 years as a result of violent altercations with really bad people attempting to reclaim their cars between the hours of 12am to 6am. The amount of assaults, property damage, and threats of bodily harm to employees of tow operators that take place in the very early hours of the morning is well documented by law enforcement and insurance companies. There is a criminal element that is part of the population of people who get their vehicles impounded. For whatever reason, their criminal behavior is consistently encountered by tow operators during these early morning hours. This is not just an issue of safety; it is in fact an issue that has proven to be life and death.

Finally, the most salient point in all of this, is that no one ever has to get their vehicle impounded... It only happens when a vehicle operator decides to break the law. On all properties where private tow operators are lawfully contracted for towing enforcement, there is signage stating the requirements for parking on that property. The law requires the signage to be conspicuous, and property owners make sure that is adhered to. Therefore, the ultimate control and determination as to whether an individual's vehicle gets impounded is determined by the individual driver. It is not the fault of the police, not the county, not the state, not the private property owner, IT IS THE INDIVIDUAL DRIVING THE VEHICLE. For all the reasons mentioned above, I respectfully urge a favorable report on SB 545.

Michael Arrington
CEO, Capitol Connections, LLC.

SB 545 Letter of Concern.pdf

Uploaded by: Karen Straughn

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March 2, 2023

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Karen S. Straughn
Consumer Protection Division

Re: Senate Bill 545 – Towing or Removal of Vehicles – Reclamation Hours (CONCERN)

The Consumer Protection Division of the Office of the Attorney General has concerns regarding Senate Bill 545 introduced by Senators C. Anthony Muse and Michael A. Jackson. This bill amends the time period during which towed vehicles may be reclaimed by the public. Although the Division appreciates the sponsors' concern about the safety of employees who work at impound lots, we believe that the bill could harm consumers without accomplishing the sponsors' goals.

An individual whose vehicle has been towed is likely to need that vehicle as soon as possible to be able to continue their daily activities, including going to work, school or medical appointments. It may be difficult for an individual to retrieve their vehicle during the hours listed in the bill if they work long hours or work and go to school simultaneously. During a time when the pandemic has affected the schedules of so many individuals, reducing available hours may increase the likelihood that an individual will have to miss school or work to reclaim their vehicle, which may cause a hardship.

Section 21-10A-01(b)(2) of the Transportation Article authorizes local jurisdictions to enact towing regulations that are more stringent than those set forth in State law. Many of the major jurisdictions have local towing laws that would render the provisions of this bill inapplicable.

Accordingly, the Consumer Protection Division wanted to make the Judicial Proceedings Committee aware of our concerns.

cc: The Honorable C. Anthony Muse
The Honorable Michael A. Jackson
Members, Judicial Proceedings Committee