



Senate Bill 883

Post-Towing Procedure Workgroup - Establishment

MACo Position: **OPPOSE**

To: Environment and Transportation
Committee

Date: April 1, 2025

From: Karrington Anderson

The Maryland Association of Counties (MACo) **OPPOSES** SB 883. Counties appreciate the changes made to SB 883 in the Senate, shifting the focus from creating a statutory possessory lien to forming a workgroup. However, counties do not believe a workgroup is necessary, as no clear problem has been identified that requires further study. The fundamental question of whether towing companies should have the authority to hold and sell vehicles for unpaid fees has already been considered and rejected multiple times by the General Assembly. Further, the composition and charge of the workgroup do not represent a fair direction for future evaluation of these issues.

Counties are grateful that the Judicial Proceedings Committee did not advance the bill in its original form and understand that some may see value in studying the issue further. However, MACo remains concerned that possessory liens on towed vehicles could undermine important consumer protections. Counties have concerns that the goal of this workgroup appears to be addressing the constitutional issues associated with establishing a statutory lien. Specifically, allowing a private company to hold someone's property until payment is made—without sufficient legal safeguards—could violate due process and fundamental private property rights. **However, the virtually assured outcome of this workgroup would be a shift in responsibility to local governments, requiring them to create an administrative hearing process for vehicle owners to challenge a tow. This would amount to an unfunded mandate and create an unwarranted fiscal impact on county governments.**

The General Assembly has previously declined to authorize possessory liens in 2010, 2011, and 2012, recognizing the potential harm they could cause. Additionally, current law already allows local governments to establish such liens if they find them necessary. This local authority should be preserved so that each local government can determine the best approach for their own communities. If the General Assembly chooses to move forward with a workgroup, counties respectfully suggest ensuring that local governments and consumer protection advocates have an appropriate voice in the discussion, which is not represented in its current makeup.

Additionally, any charge to the workgroup should not pre-suppose a certain outcome, which the current language does in effectively presuming a future path toward possessory liens. Any workgroup should be balanced and granted the ability to appropriately weigh whether such a policy is in the public interest. For these reasons, MACo urges an **UNFAVORABLE** report on SB 883.