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Judicial Proceedings Committee
Executive Nominations Committee

Senate Chair
Joint Committee on
Children, Youth, and Families

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Mary-Dulany James
In Support of Senate Bill 577 - Vehicle Laws - Towing of Vehicles from
Parking Lots - Civil Action for Nonpayment
Senate Judicial Proceedings Committee
February 19, 2026

Mr. Chairman, Vice Chair, and Members of the Committee,

Senate Bill 577 is aimed at clarifying that a towing company has the right to be paid all statutorily recognized charges before the vehicle is released to the owner. Maryland's Transportation Article has language relating to the fees that may be charged for a private tow in § 21-10A-04 (a)(1), language to ensure that a vehicle owner has access to a towed vehicle for inspection or retrieval of personal property in § 21-10A-05 (c)(3), and language establishing that the owner has a continuous opportunity to retake possession of the vehicle in § 21-10A-05 (a)(3). But there is nothing in statute to clarify that the vehicle owner of a lawfully towed vehicle has an obligation to pay for the costs associated with that tow.

In seeing how the various subcomponents of Subtitle 10A work together, it is clear that they operate so that, while the towing company must provide the vehicle owner with the continuous opportunity to retake possession, the opportunity is premised on the owner paying the outstanding towing charges and compelling the towing company to accept such payment.

My research found one case in Maryland that appears to be particularly instructive. In *Cade v. Montgomery County (1990)*, which is submitted as Attachment A in my testimony, the Court of Special Appeals upheld the constitutionality of a local county law that allowed towing from private parking lots passed pursuant to the predecessor statute to Article 21 Section 10A Transportation Code (see 26-301 (b)(3) 1987 & Supplemental 1989). In so doing, the court said that there was an implied agreement between the vehicle owner and the towing company whereby the vehicle owner agreed to pay the towing and storage charges. The court approvingly referenced other state statutes that hold the vehicle owner parking in defiance of a posted parking restriction, "*shall be deemed to have consented to the removal and storage of their vehicle as well as to payment of charges for its removal and storage.*" (See Cade, page 5; emphasis added)

It is time for the Maryland legislature to make its intentions known explicitly and, thereby, relieve the State courts from attempting to understand the legal implications of our towing from private property statutes.

My previous attempts to make this statute clearer have centered around the idea of establishing a lien on towed vehicles, but, in response to the feedback from stakeholders, I am taking a new approach this session. Senate Bill 577 addresses this existing ambiguity in Maryland law by establishing that a storage facility may bring civil action to recover payment against a vehicle owner who takes possession of a lawfully towed vehicle without payment. If the court determines that the vehicle was validly towed, the court shall award the tower the amount initially charged for the tow, liquidated damages of two times the amount validly charged for the tow (up to a maximum of \$1,000), as well as court costs and reasonable attorney fees. This section of Senate Bill 577 was drafted to mirror Montgomery County's code governing redemption and storage procedures of towed vehicles, found in Chapter 30C-9 (b)(3), which is submitted as Attachment B with my testimony.

In summary, Senate Bill 577 will establish clarity in Maryland's statute and allow for towers to recover the costs of a lawful tow when a vehicle owner refuses to pay. Additionally, this bill addresses the concerns regarding due process and predatory towing raised in past discussions on this subject by ensuring that a judgement may only be issued after a court ruling that the tow met all statutory requirements. The bill will not restrict individuals from challenging a tow based on its legality; it simply provides towers who operate in good faith with an avenue for receiving what they are due when a tow is ruled to be valid and the owner refuses payment.

Thank you for your consideration of Senate Bill 577 and I ask that the committee issue a favorable report

Respectfully,

A handwritten signature in black ink that reads "Mary-Dulany James". The signature is written in a cursive style with a long, sweeping underline.

Senator Mary-Dulany James

Harford County, Maryland