

## **Sec. 30C-9. Redemption and storage procedures.**

(a) *Storage of towed vehicles.* A towing company must immediately deliver a towed vehicle directly to a storage site that complies with the following conditions:

(1) A storage site must not be more than 15 miles from the origin of the tow. Every storage site must be located in Montgomery County, unless the nearest storage site is within one mile of the County line.

(2) A storage site must be brightly lit at all times.

(3) A towed vehicle must not be stored more than a reasonable walking distance from a redemption area.

(4) The towed vehicle and its contents must be kept secured at all times.

(5) The storage site must remain open and have personnel on-site for redemption of vehicles 24 hours per day, seven days a week.

(6) The storage site must be identified by a sign at the entrance indicating the name and telephone number of the tow service.

(b) *Payment and promise to pay.*

(1) *Cash payment.* A trespass towing company must accept payment in cash, or by a traveler's check accompanied by reasonable identification.

(2) *Credit card payment.* Each trespass towing company must accept the two most widely used major credit cards. The Office must define, in regulations under method (2), which major credit cards are the two most widely used.

(3) *Withholding payment.* If:

(A) the vehicle owner withholds payment in a credit card transaction with a towing service under this Chapter; and

(B) a court in any subsequent civil action finds that the tow was valid and the amount charged was correct;

the vehicle owner must pay the towing company, in addition to the amount validly charged, liquidated damages of two times the amount validly charged (but not more than \$1,000.00) and all reasonable costs of collection, including court costs and a reasonable attorney's fee.

(4) *Applicability.* This subsection applies to payment of any charge arising from the towing or storage of a vehicle without the owner's consent, and to payment for an incomplete tow under Section 30C-8.

(5) *Purpose.* This subsection and Section 30C-8 do not create or imply a lien in favor of a towing company when such a lien would not otherwise exist. This subsection and Section 30C-8 do not give a towing company a right to retain possession of any vehicle it would otherwise have to return to the vehicle owner.

(c) *Rates displayed.* Every trespass towing company must display prominently, at each redemption area, a copy of its current rates and a statement that these rates do not exceed the rates filed with the Office. Every trespass towing company must also display prominently a sign, furnished at a reasonable fee by the Office, listing the Office's telephone number and summarizing the vehicle owner's rights under this Chapter.

(d) *Storage fee.* A trespass towing company must not charge a storage fee for any time before the vehicle actually reaches the storage site.

(e) *Receipt.* Upon receiving payment, a towing company must furnish the vehicle owner a receipt on a form approved by the Office. The receipt must:

(1) record the amount paid to redeem the vehicle, the actions for which the vehicle owner paid, and the date and time of the redemption;

(2) be signed legibly by an agent of the towing company, and list the name, address and telephone number of the towing company;

(3) identify the violation or event that precipitated the towing of the vehicle;

(4) include photographic evidence of the violation required under subsection 30C-5(c)(9); and

(5) briefly inform the vehicle owner that the Office can explain the vehicle owner's rights and how to enforce them in small claims court or another appropriate forum if the vehicle owner believes that any provision of County law has been violated, and that the owner may obtain a copy of the law from the Office.

(f) *Damage waiver.* A trespass towing company must not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the vehicle.

(g) *Inspection and retrieval of personal property.* A storage site that is in the possession of a towed vehicle shall make the vehicle available, without charge, to the owner, the owner's agent, a secured party, or the insurer of record, under the supervision of the storage site, for:

(1) inspection; or

(2) retrieval from the vehicle of personal property that is not attached to the vehicle. (1988 L.M.C., ch. 29, § 2; 1996 L.M.C., ch. 13, § 1; 1997 L.M.C., ch. 21, § 1; [2005 L.M.C., ch. 26](#), § 1; [2015 L.M.C., ch. 40](#), § 1; [2016 L.M.C., ch. 7](#), § 1.)

**Editor's note**—2005 L.M.C., ch. 26, §§ 2 and 3, state:

Sec. 2. Regulations. A regulation which implements a function transferred to the Office of Consumer Protection by this Act continues in effect until otherwise amended or repealed, but any reference to any predecessor department or office must be treated as referring to the Office of Consumer Protection.

Sec. 3. Transition. This act does not invalidate or affect any action taken by the Department of Housing and Community Affairs before this Act took effect. Any responsibility or right granted by law, regulation, contract, or other document, and which is associated with a function transferred by this Act from the Department of Housing and Community Affairs, is transferred to the Office of Consumer Protection.